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**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 24<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI M**

**WRIT PETITION NO. 36250 OF 2025 (MV)**

**BETWEEN:**

NEERAJ KUMAR SHARMA  
S/O. SIDHNATH SHARMA,  
AGED ABOUT 40 YEARS,  
R/AT: D-909, BRIGADE PINNACLE APARTMENTS,  
BEJAI KAVOOR ROAD, DEREBAIL,  
KONCHADY MANGALURU,  
DAKSHINA KANNADA DISTRICT,  
PIN-575 006.

... PETITIONER

(BY SRI. H. PAVAN CHANDRA SHETTY, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF TRANSPORT,  
VIDHANA SOUDHA, BENGALURU-560 001.
2. JOINT COMMISSIONER FOR TRANSPORT,  
4<sup>TH</sup> FLOOR, V.V. TOWER, DR. AMBEDKAR VEEDHI,  
BENGALURU URBAN, BENGALURU-560 001.
3. REGIONAL TRANSPORT OFFICER,  
MYSORE WEST, MYSORE DISTRICT,  
PIN-570 021.
4. SENIOR INSPECTOR OF MOTOR VEHICLE,  
RTO OFFICE, MYSORE WEST,  
MYSORE DISTRICT, PIN-570 021.

... RESPONDENTS

(BY SRI. V.G.BHANUPRAKASH, AAG FOR R1 TO R4)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS AT DHARWAD BENCH ON 05.03.2026, LISTED FOR PRONOUNCEMENT OF ORDER AT DHARWAD BENCH THROUGH VIDEO CONFERENCING, THIS DAY, THE ORDER IS PRONOUNCED AS UNDER:

**CAV ORDER**

Sri.H.Pavana Chandra Shetty, counsel for the petitioner and Sri.V.G.Bhanuprakash, AAG, have appeared through video conferencing.

2. The petition averments are as follows.

Mr. Nihal Ahmed, residing at Door No. 4-3-298/57, Flat No. 504, 5<sup>th</sup> Floor, Silver Line, Kodialguttu, Kodialbail, Mangaluru, Karnataka, purchased a Mercedes-AMG G 63 from TV Sundaram Iyengar and Sons Pvt. Ltd., Sundaram Motors, No. 107, Kasturba Road, Bengaluru, for a total price of Rs.1,96,95,000, and availed a loan facility from HDFC Bank Ltd. for the purchase.



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On 21.03.2023, the erstwhile owner, Mr Nihal Ahmed, sold the said vehicle to third parties without the knowledge of HDFC Bank. During investigation, the Delhi Crime Branch, Chanakyapuri, New Delhi seized the vehicle and registered FIR No. 0073 against Amar Motors, represented by its owner Harmanpreet Singh Walia, Shop No. 32, J Block, DDA Market, Vikaspuri, New Delhi, for offences punishable under Sections 419, 420, 406, 467, 468, 471, 482, and 120B of the IPC, 1860.

Aggrieved by the illegal seizure of the vehicle, HDFC Bank Ltd. approached the Chief Metropolitan Magistrate, Dwarka Courts, New Delhi. After examining the materials collected by the Delhi Police in FIR No. 73/23, the Court passed an order in favor of HDFC Bank Ltd. Subsequently, on 01.08.2024, the erstwhile owner, Mr Nihal Ahmed, wrote to HDFC Bank seeking authorization for an amicable settlement. Thereafter, on 10.09.2024 and 14.09.2024, the petitioner, being interested in purchasing the vehicle from HDFC Bank Ltd., paid Rs.62,50,000 through ICICI Bank. Following the order of the Chief Metropolitan Magistrate, Dwarka Courts, New Delhi, in FIR No. 73/23, HDFC Bank Ltd. took possession of the vehicle on



17.09.2024 and placed it for auction, and the vehicle loan was settled through a One Time Settlement of Rs.62,50,000.

After payment of Rs.62,50,000, HDFC Bank Ltd. issued a No Objection Certificate. Based on a letter issued by the Additional Commissioner for Road Traffic (Administration), Bengaluru, bearing No. CT/RGN-1-PR-928-2024-25, the vehicle was registered in Karnataka as No. KA-20-MH-0888 on 18.01.2025, relying on the temporary registration issued by the Deputy Commissioner for Transport, Mangaluru, on 10.01.2025. Subsequently, on 15.06.2025, while the vehicle was parked outside the residence of Mr.Nitin Shetty in Mysuru, the 3rd and 4th respondents confiscated it, alleging that the vehicle falls under the category of Mercedes-Benz G63 as per Inspection Report No. CR.No.214476. Hence, the petitioner has approached this Court by filing the present Writ Petition on the grounds set out in the Memorandum of Writ Petition.

3. Counsel for the respective parties presented several contentions.

Counsel for the petitioner placed reliance on the following decision.



*BISHWAJIT DEY V/S. STATE OF ASSAM* reported in *AIR 2025 SC 549*.

4. Heard the arguments and perused the Writ papers with care.

5. The case presents two issues for consideration: (i) the seizure of the vehicle, and (ii) the cancellation of its registration during the pendency of the writ petition.

6. This is a fascinating case of a Mercedes-Benz that completed an extensive round trip from Karnataka to Himachal Pradesh and back. Considering the facts presented regarding the petitioner's car purchase, I shall now turn to the subsequent developments, specifically the registration of the vehicle by the RTO, Udupi, in the year 2025, and the ensuing seizure and cancellation of the registration thereof.

The government has justified the seizure of the vehicle on the basis of the following narration.

The Government of Karnataka, through the Commissioner for Transport and Road Safety, observed that several vehicle owners were engaging in fraudulent practices to evade



payment of applicable taxes. In response, an official memorandum was issued by the Additional Commissioner for Transport (Enforcement – South) on June 12, 2025. Pursuant to this memorandum, a Special Checking Squad was constituted under the supervision of the Regional Transport Officer of Mysore West and Mysore East. The objective of this squad is to check and inspect high-end luxury vehicles that have not paid the required taxes but are being operated on roads within the jurisdiction of Mysore.

The officers mentioned in the official memorandum became aware that the vehicle bearing registration number KA-20MH-0888 was parked outside the residence of Mr Nitin Shetty, located at Vijayanagar First Stage, Mysuru. Upon conducting a detailed inspection, the officers observed that the engine number and chassis number of the said motor vehicle corresponded with those of the original vehicle purchased by Mr Nihal Ahmed. Consequently, the vehicle was detained and seized by the officers through the issuance of Form No. 27 under Rule 27A of the Karnataka Motor Vehicles Taxation Rules.



7. It is contended that, after the issuance of Annexure A, notices were issued to the original owner, Mr Nihal Ahmed, on July 3, 2025, and to Mr Nitin Shetty on June 23, 2025, near whose residence the vehicle was found. The Government has specifically argued that the petitioner did not approach the respondent authority to claim the release of the vehicle and instead directly approached this Hon'ble Court through the present writ petition, seeking to quash the investigation report and cheque report, along with a prayer for the vehicle's release.

The Government specifically alleged that the petitioner has fabricated or altered the relevant documents by changing the vehicle description from Mercedes-Benz BENZ-GL-63-AMG to GLA 200 GDI. The Government contends that, in the Temporary Certificate of Registration, the maker's classification of the vehicle is shown as Mercedes-Benz BENZ-GL-63-AMG. However, in the Sale Certificate, the vehicle has been certified as GLA 200 GDI. It is further contended that the value of the Mercedes-Benz BENZ-GL-63-AMG is approximately Rs.1,96,95,000, whereas the value of the GLA 200 GDI is only about Rs.35,00,000. The petitioner has fabricated all



documents pertaining to the vehicle, and has thereby defrauded the Government to the extent of Rs.78,31,161. The confiscation of the vehicle has not yielded any revenue to the Government, and the persons to whom notices were issued have neither responded nor come forward to contest the proceedings. On this basis, the authorities justify the seizure of the vehicle.

The petitioner contends that he purchased the vehicle in accordance with due process of law. However, the seizure of the vehicle is allegedly based on mala fide accusations of submission of false documents. The petitioner further submits that the respondents acted beyond their jurisdiction by bypassing the statutory procedure prescribed for seizure of the vehicle and the consequent cancellation of its registration.

8. Against the backdrop of these conflicting submissions, the core issue before me is the legality of the vehicle seizure, by an officer who was not competent or authorised to exercise such power under the applicable law and the cancellation of the vehicle's registration during the pendency of the writ petition.



9. The powers relating to seizure or detention of motor vehicles are governed by the provisions of the Motor Vehicles Act, 1988, which regulates the control, use, and enforcement of motor vehicle laws throughout India.

Under the statutory framework and the practice followed in the State of Karnataka, the competent officers authorised to seize or detain a motor vehicle are primarily:

- a. Officers of the Motor Vehicles Department, not below the rank of Inspector of Motor Vehicles;
- b. Officer of the Police Department, not below the rank of an Inspector of Police.

These restrictions exist to ensure that coercive powers affecting the property of citizens are exercised only by officers vested with statutory authority and responsibility.

The Regional Transport Officer (RTO) or an authorized Motor Vehicles Inspector is empowered to seize and detain a motor vehicle in Karnataka only under specific statutory provisions. Such authority is derived from Section 11A of the Karnataka Motor Vehicles Taxation Act, 1957 (in cases of non-



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payment of tax), and Section 207 of the Motor Vehicles Act, 1988 (in cases of operation without valid documents, such as a permit, registration, or fitness certificate).

As contended by the government, a Special Checking Squad was constituted under the supervision of the Regional Transport Officers of Mysore West. It is to be noted that Mr Ranjit, an officer posted at the Bangalore (South) office, was merely assigned the responsibility of submitting a report under the supervision of the Regional Transport Officer, Mysore (West). However, he acted beyond the scope of his authority as though he himself were the Regional Transport Officer of Mysore (West), and had seized the vehicle before submitting the report.

The State seeks to rely on Annexure R-11 to contend that Mr Ranjit had the source of power to seize the vehicle. This contention is untenable. A plain reading of Annexure R-11 reveals that it is only an official memorandum assigning Mr Ranjit a limited duty—namely, to submit a report under the supervision of the competent Regional Transport Officer, Mysore (West). It is to be noted that at the time of issuance of



the official memorandum, Mr Ranjit was an officer working at the Bangalore South office, and he was only a part of a special squad team. It does not confer upon him the statutory powers of an RTO, nor does it authorize him to exercise independent coercive powers such as seizure and detention of vehicles. The scope of such an assignment was limited to investigation and reporting. However, contrary to the limited mandate entrusted to him, the officer proceeded to seize the vehicle. Such action clearly exceeded the scope of his authority and amounts to an exercise of power without jurisdiction. In the absence of proper authorization under the relevant statutory provisions, the action taken by Mr. Ranjit is without jurisdiction and therefore unsustainable in law.

It is a settled principle of law that when a statute confers a specific power upon a designated class of officers, the same cannot be exercised by any other person who is not expressly authorised. Any action taken in violation of such statutory limitation is liable to be treated as illegal and unsustainable in law. This Court holds that the seizure of the motor vehicle by the concerned officer was without lawful authority. Therefore, it



is declared illegal. Appropriate consequential relief regarding the vehicle shall follow in accordance with the law.

Having addressed the issue concerning the seizure of the vehicle, I now turn to consider the separate issue of cancellation of the vehicle's registration during the pendency of the writ petition.

10. It is shocking to note that, despite the pendency of the writ petition before this Court, the respondent authorities have chosen to cancel the vehicle's registration. Such action, prima facie, appears to be arbitrary and is liable to be deprecated. I may venture to say that the act on the part of the Government, in proceeding to cancel the registration during the pendency of the writ petition, deserves to be condemned. This Court finds such conduct on the part of the respondent authorities to be highly improper. Once this Court seizes of the matter and is pending adjudication, any precipitative action taken by the authorities affecting the subject matter of the writ petition is wholly unwarranted. This Court is constrained to observe that the cancellation of the vehicle registration during the pendency of the Writ Petition is legally untenable and



cannot be sustained, as the subject matter is *sub judice*. The action taken by the Government appears to be a flagrant disregard for Court proceedings, taking the law into its own hands, and consequently, the order deserves to be set aside.

Upon consideration of the facts and circumstances of the case, this Court is of the opinion that the impugned Investigation Report and the order of cancellation of the Registration Certificate cannot be sustained in the eye of the law and are liable to be set aside.

11. Accordingly, the impugned Investigation Report vide Annexure-A stands quashed. Consequently, the order dated 16.01.2026 cancelling the Registration Certificate of the petitioner's vehicle is also quashed.

In view of the aforesaid, the respondent-Regional Transport Officer (RTO) is hereby directed to restore the registration of the vehicle forthwith.

The respondent authorities are further directed to release and hand over the vehicle to the petitioner forthwith, as the



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same is presently in their custody. Compliance with this order shall be effected without any delay.

12. Before parting with the matter, this Court deems it appropriate to observe that officials of the RTO Department are not merely enforcers of statutory provisions but are representatives of the State in their dealings with citizens. Their conduct has a direct bearing on public confidence in governance. They are, therefore, expected to act with fairness, transparency, empathy, and a high sense of public duty.

13. The Writ Petition stands **allowed** in the above terms. No order as to costs.

**Sd/-**  
**(JYOTI M)**  
**JUDGE**

MRP  
LIST NO.: 19 SL NO.: 1