



W.P.No.3850 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.07.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.49068 of 2025

J.S.Auto Pvt. Ltd.,
Represented by its Authorised Person
Thiru.R.Ganesh

... Petitioner

vs.

1. The Transport Commissioner
and Commissioner of Road Safety
Guindy, Chennai-600 032.

2. The Deputy Transport Commissioner-I (FAC)
Commissionerate of Transport and
Road Safety
Guindy, Chennai-600 032.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus, directing the respondents to revise and reissue the letter in Letter No.042773-HB2-2025 dated 19.11.2025 by amending the type of vehicle / category as Passenger Carrier – Transport Vehicle and the maker's classification as "JSA Victory Plus CNG BSVI Passenger Carrier (D+5) BS VI" in consonance with Type Approval Certificate No.AASA 0492 dated 23.05.2023 issued by the testing agency ARAI, Pune and also to direct the Registering Authorities to register the vehicle as "Transport Vehicle".

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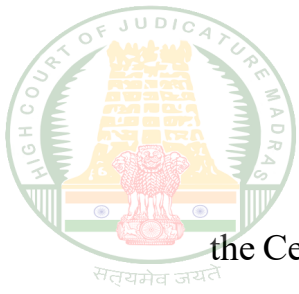
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For Petitioner : Ms.Radha Gopalan
Senior Counsel
for Mr.A.Ganesan
For Respondents : Mr.M.Sivavarthanam
Government Counsel

ORDER

The petitioner has filed the present writ petition seeking a direction to the respondents to revise and reissue Letter No.042773-HB2-2025 dated 19.11.2025 by classifying the vehicle as a “Passenger Carrier – Transport Vehicle” and the maker’s classification as “JSA Victory Plus CNG BS VI Passenger Carrier (D+5) BS VI”, in consonance with Type Approval Certificate No.AASA 0492 dated 23.05.2023 issued by the Automotive Research Association of India (ARAI), Pune, and consequently, to direct the Registering Authorities to register the vehicle as a Transport Vehicle.

2. The petitioner is engaged in the manufacture of three-wheeled light motor vehicles having a seating capacity of 5+1. The petitioner obtained a Type Approval Certificate dated 23.05.2023 from the Automotive Research Association of India (ARAI), a testing agency recognised under Rule 126 of



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the Central Motor Vehicles Rules, 1989 (hereinafter referred to as the “Central MV Rules”). Thereafter, to enable the vehicles manufactured by it to be registered and operated in the State of Tamil Nadu, the petitioner submitted an application to the second respondent under Rule 88-A of the Tamil Nadu Motor Vehicles Rules, 1989 (hereinafter referred to as the “TN MV Rules”) and paid the prescribed fee under Rule 132 thereof.

3. The said application was rejected on the ground that the permission sought under Rule 88-A of the TN MV Rules could not be granted since the grant of share auto permits is governed by the Government Schemes framed under G.O.Ms.No.1058 dated 17.07.1997 and G.O.Ms.No.277 dated 22.03.2021. Aggrieved thereby, the petitioner filed W.P.No.31903 of 2025 before this Court. By order dated 01.09.2025, this Court allowed the writ petition, quashed the impugned order, and directed the respondents to consider the petitioner’s application in accordance with Rule 88-A(1) of the TN MV Rules read with Rule 126 of the Central MV Rules. This Court further directed that, if the vehicle model satisfied the prescribed requirements, the communication contemplated under Rule 88-A(3) of the TN MV Rules should be issued. Pursuant thereto, the second respondent issued the impugned

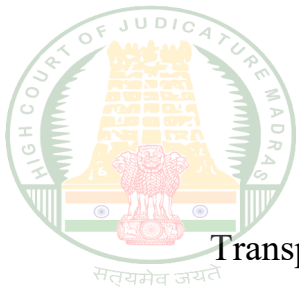


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communication classifying the petitioner's vehicle as a Non-Transport Vehicle.

4. Ms. Radha Gopalan, learned Senior Counsel appearing for the petitioner, submitted that ARAI, being a testing agency recognised under Rule 126 of the Central MV Rules, has certified under the Type Approval Certificate dated 23.05.2023 that the subject vehicle is a three-wheeler passenger carrier. Therefore, the second respondent ought to have directed the Registering Authorities to register the vehicle as a Transport Vehicle. According to the learned Senior Counsel, the classification of the vehicle as a Non-Transport Vehicle is contrary to Rule 88-A of the TN MV Rules read with Rule 126 of the Central MV Rules. She further submitted that this Court, while disposing of W.P.No.31903 of 2025, had specifically directed the respondents to consider the petitioner's application strictly in terms of Rule 88-A(1) of the TN MV Rules read with Rule 126 of the Central MV Rules. However, in disregard of the said directions, the second respondent has classified the subject vehicle as a Non-Transport Vehicle.

5. Per contra, the learned Government Counsel submitted that the second respondent has rightly classified the subject vehicle as a Non-



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Transport Vehicle, having regard to the policy decision of the State Government not to issue fresh permits for the operation of share autos or for the registration of new vehicles as Transport Vehicles. It was contended that the impugned classification is in consonance with Section 67(3) of the Motor Vehicles Act, 1988, and therefore does not warrant interference by this Court.

6. I have considered the submissions made by the learned counsel appearing for the parties.

7. Rule 88-A of the Tamil Nadu Motor Vehicles Rules, 1989 reads as follows:

“88-A. Communication of Type Approval Certificates

(1) Every manufacturer or importer of motor vehicles shall file an application in Form CTACA to the Transport Commissioner, enclosing the Type Approval Certificate and the certificate of compliance with the provisions of the Act and these Rules obtained from the agencies specified in Rule 126 of the Central Motor Vehicles Rules, 1989, for communicating the same to all the Registering Authorities/Assistant Registering Authorities in the State for registration of a new model of vehicle or its variants:



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Provided that, in the case of vehicles imported into India, the importer shall produce the Type Approval Certificate issued by the approved testing agencies in the respective countries.

(2) Every application under sub-rule (1) shall be accompanied by the fee specified in the Table under Rule 132.

(3) On receipt of an application under sub-rule (1), the Transport Commissioner shall, after scrutiny the application, issue the communication order.”

8. In the earlier writ petition, the Coordinate Bench of this Court interpreted Rule 88-A as follows:

“A perusal of the aforesaid Rule shows that every manufacturer of a motor vehicle is required to file an application in Form CTACA before the Transport Commissioner for registration of a new model or its variant. Along with the application, the manufacturer has to enclose the Type Approval Certificate and the certificate issued by the testing agencies specified under Rule 126 of the Central Motor Vehicles Rules, 1989.

The purpose of filing an application under Rule 88-A is to enable the Transport Commissioner to communicate the approval granted by the testing agencies under Rule 126 of the



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Central Rules to all the Registering Authorities/Assistant Registering Authorities in the State so that the new model or variant can be registered. Rule 88-A has no connection with any Government policy relating to the grant of permits. The stage contemplated under Rule 88-A arises even before the vehicle is sold in the market. The manufacturer approaches the State only to enable the Transport Commissioner to inform the registering authorities that a new model or variant has been approved under Rule 126 of the Central Motor Vehicles Rules.”

9. The Coordinate Bench further held that the second respondent had erroneously treated the petitioner’s application under Rule 88-A as though it was an application seeking a permit to operate the vehicle. In the present case, the competent testing agency recognised under Rule 126 of the Central Motor Vehicles Rules has issued the Type Approval Certificate certifying that the subject vehicle is a three-wheeler passenger carrier. Therefore, the classification of the subject vehicle as a Non-Transport Vehicle is contrary to the earlier directions issued by this Court as well as Rule 88-A of the Tamil Nadu Motor Vehicles Rules read with Rule 126 of the Central Motor Vehicles Rules.



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10. Rule 2(r) of the Tamil Nadu Motor Vehicles Rules defines a “passenger” as any person travelling in a public service vehicle other than the driver, the conductor, or any employee of the permit holder while on duty.

11. Rule 2(h) of the Central Motor Vehicles Rules defines a “Non-Transport Vehicle” as a motor vehicle which is not a transport vehicle.

12. Section 2(35) of the Motor Vehicles Act, 1988 defines a “Public Service Vehicle” as any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward and includes a maxicab, motorcab, contract carriage and stage carriage.

13. Section 2(47) of the Motor Vehicles Act defines a “Transport Vehicle” to mean a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle.

14. A combined reading of the above provisions makes it clear that a vehicle intended to carry passengers for hire or reward is a Transport Vehicle.



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Therefore, the communication issued by the second respondent directing the Registering Authorities to register the subject vehicle only as a Non-Transport Vehicle is contrary to the statutory provisions, the earlier directions issued by this Court, and the Type Approval Certificate issued under Rule 126 of the Central Motor Vehicles Rules.

15. Accordingly, the Writ Petition is allowed. The second respondent is directed to revise and reissue Letter No.042773-HB2-2025 dated 19.11.2025 by classifying the vehicle as “Passenger Carrier – Transport Vehicle” and the maker’s classification as “JSA Victory Plus CNG BS VI Passenger Carrier (D+5) BS VI”, in conformity with Type Approval Certificate No.AASA 0492 dated 23.05.2023 issued by the Automotive Research Association of India (ARAI), Pune. The second respondent shall also communicate the revised classification to the Registering Authorities so that the subject vehicle is registered as a Transport Vehicle.

16. The above exercise shall be completed by the second respondent within a period of two weeks from the date of receipt of a copy of this order.



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It is, however, made clear that the classification of the subject vehicle as a Transport Vehicle does not, by itself, confer any right upon the purchaser to obtain a permit to operate the vehicle as a share auto. The grant of such permit and the operation of the vehicle as a share auto shall be subject to the approval of the competent authority in accordance with the applicable statutory provisions and the Government policy. No costs.

13.07.2026

Speaking / Non-speaking order

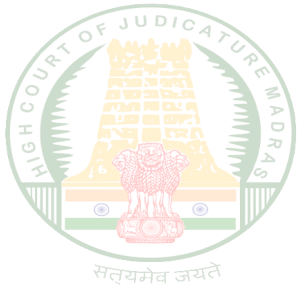
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To

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HEMANT CHANDANGOUDAR, J.,

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