

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.34430 of 2014

and

M.P.No.1 of 2014

Wildlife & Nature Conservation trust,
No.97, Second Floor,
Commercial Road,
Ootacamund - 643 001,
Nilgiris District,
rep. by its Trustee,
S.Sharavanan. ... Petitioner

Vs

1.Government of Tamil Nadu,
rep. by Secretary to Government, Home,
(Transport) Department,
Secretariat, Chennai - 9.

2.The Transport Commissioner,
Chepauk, Chennai - 5.

3.The Assistant Registering Authority,
Regional Transport Office,
Hosur - 635 110.

4.The Principal Chief Conservator of
Forests and Head of Forest Force,
Chennai - 600 015.

5.The Chief Wild Life Warden/
Principal Chief Conservator of Forests,
Chennai - 600 015. ... Respondents

(Respondents 4 and 5 are impleaded as per
order of this Court dated 26.06.2015 passed in
M.P.No.1/2015 in W.P.No.34430 of 2014)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to order in R.No.42417/H3/2014 dated 10.09.2014, to quash the same and to

issue consequential direction to the 2nd respondents to register the Motor Vehicle - Mahindra Bolero Camper 4 WD - TN-70-DTR 1130 belonging to the petitioner as a Non-transport Category Vehicle.

For petitioner : Mr.M.Ravi

For respondents : Mr.M.S.Ramesh,
Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. In the affidavit filed in support of the Writ Petition, it is stated that the petitioner made an Application dated 6.8.2014 to the Transport Department for the registration of "Mahindra Bolero Camper" under "Non-Transport" Category. The third respondent has issued Temporary Regn.No.TN-70 DTR 1130 to the vehicle on 27.10.2014. Subsequently, by the impugned communication dated 10.9.2014, the second respondent/ the Transport Commissioner herein has informed the petitioner that as per Notification dated 05.11.2004, the Vehicle cannot be registered under "Non-Transport" Category. Challenging the said communication, the present Writ Petition has been filed by the petitioner.

3. The learned counsel for the petitioner submitted that the vehicle of the petitioner cannot be registered as a transport vehicle as it does not fall within the definition of Transport Vehicle, which means a public service vehicle, goods carriage, an educational institution bus or a private service vehicle. The learned counsel for the petitioner further contended that the vehicle was purchased out of donation by Asian Elephant Foundation, Thailand, for the purpose of (i) using in rescue operations in case of man-animal conflict and (ii) assisting the Tamil Nadu Forest Department in rescue, awareness, training and crime control activities and not for the commercial purpose and therefore, the learned counsel for the petitioner contended that the vehicle will not fall within the transport category.

4. In similar circumstances where the facts are similar to the present case, this Court set aside the impugned order therein and remitted the matter back for consideration, by order dated 9.3.2015 passed in W.P.No.5532 of 2015.

5. Therefore, following the order dated 9.3.2015 passed in W.P.No.5532 of 2015, this Writ Petition is allowed and the impugned order is set aside and the case is remitted back to the respondents to consider the application of the petitioner for

registering the vehicle as a Non-Transport Vehicle, within a period of one month from the date of receipt of a copy of this order. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

asvm
To

- 1.The Secretary to Government, Home,
Government of Tamil Nadu,
(Transport) Department,
Secretariat, Chennai - 9.
- 2.The Transport Commissioner,
Chepauk, Chennai - 5.
- 3.The Assistant Registering Authority,
Regional Transport Office,
Hosur - 635 110.
- 4.The Principal Chief Conservator of
Forests and Head of Forest Force,
Chennai - 600 015.
- 5.The Chief Wild Life Warden/
Principal Chief Conservator of Forests,
Chennai - 600 015.

+1 cc to Government Pleader, sr.59870
+1 cc to M/s.M.Ravi, Advocate, sr.59591

W.P.No.34430 of 2014
and
M.P.No.1 of 2014

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