

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.32368 of 2015

and

M.P.No.1 of 2015

N.Santhakumar

... Petitioner

Vs.

The Registering Authority cum
Regional Transport Officer,
Dharapuram.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records of the respondent made in Memo No.23746/A2/2015 dated 22.09.2015 and to quash the same and consequently direct the respondent to register the petitioner's ISUZU D Max Spacecab (CKD-BS-IV) vehicle bearing Engine No.LV9396, Chassis No.MA7TFR864EC400011 as as non transport light motor vehicle.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.T.N.Rajagopalan,
Spl. Govt. Pleader

ORDER

Seeking to quash the order of the respondent made in Memo No.23746/A2/2015 dated 22.09.2015 and consequently direct the respondent to register the petitioner's ISUZU D Max Spacecab (CKD-BS-IV) vehicle bearing Engine No.LV9396, Chassis No.MA7TFR864EC400011 as as non transport light motor vehicle, the petitioner has come up with this writ petition.

2.The petitioner has purchased ISUZU D Max Spacecab (CKD-BS-IV) vehicle bearing Engine No.LV9396, Chassis No.MA7TFR864EC400011 on 07.09.2015, which stands temporarily registered as light motor vehicle. When the petitioner approached the Regional Transport Officer, Dharapuram with application in the prescribed form to register the vehicle as light motor vehicle being non-transport light motor vehicle, the request was declined on the ground that there is no provision under the Central Motor Vehicle Act, 1988 to register the vehicle as a non-transport light vehicle.

3.The impugned order has been challenged on the ground 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. Since the petitioner wants to use the vehicle for his personal use, it cannot be registered as a transport vehicle.

4. It is true that the respondent cannot register the vehicle as a non-transport vehicle, as there is no such category stipulated under the Motor Vehicles Act, 1988, but at the same time, the vehicle of the petitioner cannot be registered as a transport vehicle, as it will not fall within the definition of the transport vehicle. The respondent is therefore required to register the petitioner's vehicle as a light motor vehicle (i.e) privately owned light motor vehicle, as it was done while granting temporary registration.

5.Having regard to the above, the impugned order is set aside and the matter is remitted to the respondent for considering the application of the petitioner afresh for registering the vehicle as a light motor vehicle. Such exercise shall be carried out within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mmi

To

The Registering Authority cum
Regional Transport Officer,
Dharapuram.

1 cc to Mr.K. Hariharan, Advocate, Sr. 55454
1 cc to Spl.government Pleader, Sr. 55992

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TM (CO)
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