

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5532 of 2015

K.Venkatachalapathy

.. Petitioner

Vs.

The Registering Authority cum
Regional Transport Officer
Pollachi

... Respondent

Prayer:- 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.5606/A3/2015 dated 12/02/2015 and to quash the same, consequently direct the respondent to register the petitioner's Mahindra Bolero Camper Vehicle bearing Engine No.GHE4L55150, Chassis No.MA1RY2GHKE3L51460 as non transport light motor vehicle.

For Petitioners : Mr.K.Hariharan

For Respondent : Ms.M.E.Rani Selvam, AGP

ORDER

The petitioner has come forward with a writ of certiorarified mandamus calling for the records of the respondent made in Memo No.5606/A3/2015 dated 12/02/2015 and to quash the same, consequently direct the respondent to register the petitioner's Mahindra Bolero Camper Vehicle bearing Engine No.GHE4L55150, Chassis No.MA1RY2GHKE3L51460 as non transport light motor vehicle.

2. Petitioner purchased Mahindra Bolero Camper bearing Chassis No.MA1RY2GHKE3L51460 and Engine No.GHE4L55150 on 30.11.2014, which stands temporarily registered as light motor vehicle. The case of the petitioner is that when the petitioner approached the Regional Transport Officer, Pollachi with application applied in the prescribed form to register the vehicle as light motor vehicle being on-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. Learned counsel for the petitioner challenged the impugned order, 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.

4. The case of the petitioner is that he wants to use the vehicle for his personal use, therefore, it cannot be registered as a transport vehicle.

5. On consideration, I find that the impugned order cannot be sustained. 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 Vehicle 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.

6. For the reasons stated, the impugned order is set aside and the case is remitted back to the respondent to consider the application for the petitioner for registering the vehicle as a light motor vehicle. Time limit is one month from the date of receipt of this order. No costs. Connected M.P.No.1 of 2015 is closed.

kpr

s/d-
Assistant Registrar(CS-III)
Dt:23/3/2015

True Copy

Sub-Assistant Registrar

To

1. The Commissioner
Geology and Mines
Guindy, Chennai-600 032

2. The registering Authority cum
Regional Transport Officer,
Pollachi.

+ 1 cc to M/s.K.Hariharan, Advocate SR 12896

+ 2 ccs to the Government Pleader, High Court, Madras 104 SRs.11861,
13633

ala(co)
prk23/3

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