

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2016

CORAM:

THE HON 'BLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition Nos.28112 & 28113 of 2016
and W.M.P.Nos.24255 & 24256 of 2016

P.V.Arunachandrakumar ... Petitioner in W.P.No.28112 / 2016
K.S.Sathish Kumar ... Petitioner in W.P.No.28113 / 2016

Versus

1. The Transport Commissioner,
Chepauk, Chennai - 5
2. The Regional Transport Officer,
Red Hills Unit, Red Hills, Chennai - 67
3. The Motor Vehicle Inspector cum
Assistant Registering Authority,
Gummiddipoondi Unit,
Thiruvallur District ... Respondents in both W.Ps.

Prayer:- Petitions filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the third respondent to register the petitioners' vehicles, without insisting exorbitant penalty tax for the temporary registered Vehicles in TN12-TMP-5221 and TN12-TMP-4882, respectively, without any due process of law.

For Petitioner in both W.Ps. : Mr. S.Sivakumar
For Respondents in both W.Ps. : Mr. S.Diwakar,
Spl. G.P.,

C O M M O N O R D E R

Heard Mr.S.Sivakumar, learned counsel for the petitioner, and Mr.S.Diwakar, learned Special Government Pleader, appearing for the respondent, in each of the writ petitions. With consent of the learned counsel for both sides, the writ petitions are taken up for final disposal, at the admission stage itself.

2. In these writ petitions, the petitioners seek for a direction upon the third respondent to register their vehicles, without insisting on exorbitant penalty. However, the learned counsel for the petitioners would fairly admit that there is no

written order issued by the third respondent, demanding penalty or tax and would state that the petitioners were orally informed. It is seen that though the petitioners purchased the vehicles-in-question and temporary registrations were done nearly a year ago, they did not register the vehicles. The time-limit prescribed under the Motor Vehicles Act and the Registration Rules framed therein is 30 days. Therefore, the time limit expires sometime in July 2015 and June 2015, respectively, but the petitioners have approached the third respondent only in July 2016. There is no satisfactory explanation for such delay. However, it is seen that, till date, no orders have been passed by the third respondent on the petitioners' representations.

3. The learned counsel for the petitioners sought to rely upon certain interim directions issued in earlier writ petitions

4. In my view, as long as there is no written demand served on the petitioners, this Court cannot infer that the third respondent has demanded penalty and tax from the petitioners. Further more, the third respondent has to state that, under which provision of law, he is entitled to make such a demand. If such a demand is made and the petitioner challenges the same, then the Court can consider as to what relief the petitioner is entitled to.

5. Therefore, in my view, the relief sought for is premature. However, since the petitioners' representations are pending with the third respondent, there will be a direction to the third respondent to consider the petitioners' representations, (both) dated 23.07.2016 and pass a speaking order and communicate the same to the petitioners within a period of ten days from the date of receipt of a copy of this order.

6. These writ petitions stand disposed of accordingly. No costs. Consequently, the connected WMPs are closed.

srk

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Transport Commissioner,
Chepauk, Chennai - 5

2. The Regional Transport Officer,
Red Hills Unit, Red Hills,
Chennai - 67

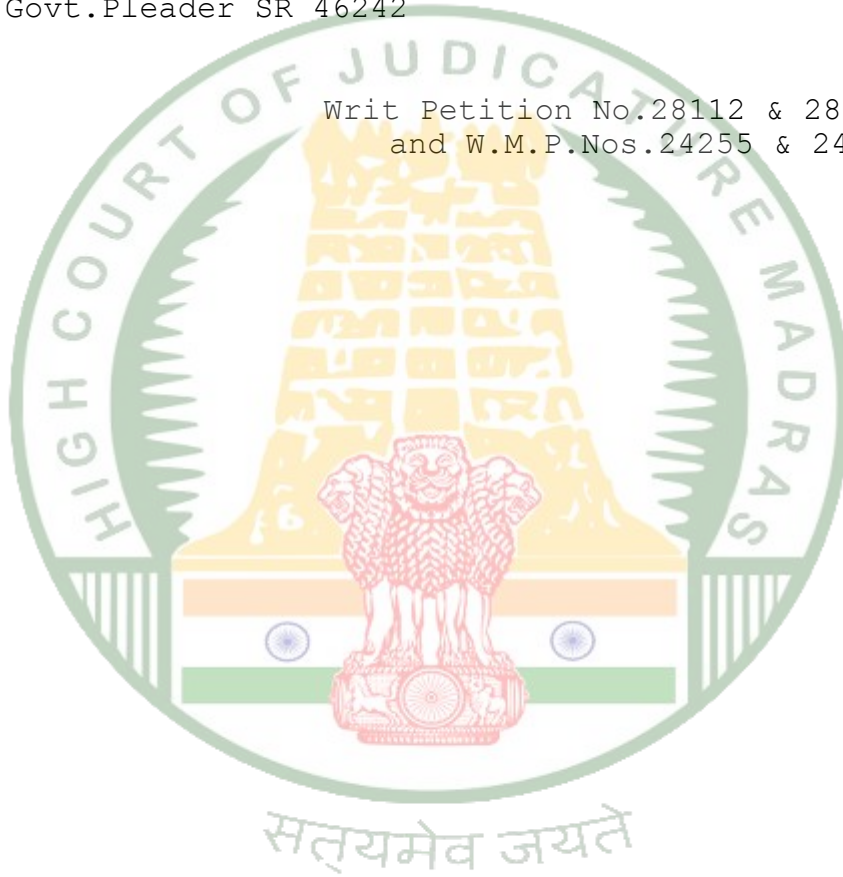
3. The Motor Vehicle Inspector cum
Assistant Registering Authority,
Gummiddipoondi Unit,
Thiruvallur District

+ 1 cc to Mr.S.Sivakumar, Advocate SR 46221

+ 1 cc to Govt.Pleader SR 46242

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