

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.22765 of 2017
in
W.M.P.No.23889 of 2017

M.Somasundaram

... Petitioner

Vs

1.The Regional Transport Officer,
Pollachi, Coimbatore District,

2.The Motor Vehicle Inspector,
Grade-I,
O/o. Regional Transport Office,
Pollachi, Coimbatore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the respondents to register the petitioner's Tractor (Tractor Registration No. TN-41-AR-4896) by taking note of the Tractor already registered by the respondents.

For Petitioner :Mr.C.Prakasam

For Respondents: Ms.Ramya Revathy,
Government Advocate

O R D E R

This writ petition has been filed seeking a direction to the first respondent to register the petitioner's Tractor.

2. The grievance of the petitioner is that the petitioner, who is an agriculturist, has purchased a tractor and trailer, and he has produced the same before the second respondent for registration. But, the respondent has refused to register the trailer on the ground that the trailer should have hydraulic braking system or inertia over-run braking system, as the Central Government has amended the Central Motor Vehicle Rules. Since, the petitioner's trailer did not have the hydraulic braking system, the respondent refused to register. Hence, the present writ petition has been filed.

3. Today, when the matter is taken up for hearing, the

respondents filed a counter stating earlier that as per Rule 97 (3) of the Central Motor Vehicles Rules, 1989, every agricultural tractor manufactured on or after the first February, 2016 coupled with agricultural trailer, shall have hydraulic braking system as per AIS-043-2005. Since the petitioner trailer did not have the hydraulic braking system, they denied registration. Now the aforesaid rule has been omitted by the Ministry of Road Transport and Highways Department, dated 27.11.2017, vide G.S.R.1464(E). Hence, there is no requirement that the trailer should have attached with the hydraulic braking system.

4. Considering the fact that as the rule has been omitted, there is no requirement that the trailer should have hydraulic braking system. Hence, the respondents are directed to register the trailer if it is otherwise satisfied with requirements of the Motor Vehicle Acts and Rules.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Regional Transport Officer,
Pollachi, Coimbatore District.

2. The Motor Vehicle Inspector,
Grade-I, O/o. Regional Transport Office,
Pollachi, Coimbatore District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No. 66463
+1cc to the Government Pleader, S.R.No. 67047

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KAN(CO)
GN(01/10/2018)