

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.10.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Writ Petition No.25188 of 2018

Khivraj Motors Private Limited.,
Represented by its General Manager
(HR & Admin)
S.Thulasinathan ... Petitioner

Vs.

1. The Secretary
Home (Transport) Department,
Fort St.George, Chennai - 600 009.
2. The Deputy Transport Commissioner-I,
State Transport Authority,
Chepauk, Chennai - 600 005.
3. The Registering Authority-cum-
The Regional Transport Officer,
Meenambakkam, Chennai - 600 027.
4. The Registering Authority-cum-
The Regional Transport Officer,
Chennai (Central), Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the fourth respondent to receive the application dated 03.08.2018 for temporary registration in Form 20 in the name of M/s.Santhosh Gill Earth Movers (Pvt) Ltd., with the prescribed fee in respect of Maruti EECO Vehicle bearing Chassis Number MA3ERLF1S00624809 Engine Number G12BN603212 and register the vehicle in accordance with law.

For Petitioner : Mr.S.Govindraman

For Respondents : Mrs.Ramya Revathy,
Government Advocate.

O R D E R

direction to the 4th respondent to issue a temporary registration to the Maruti EECO vehicle bearing Chassis No.MA3ERLF1S00624809, Engine No.G12BN603212.

2. According to the petitioner he is the dealer of Maruti Suzuki Vehicles. Earlier a customer purchased a Maruti car, EECO (5 Seater) A/c, in July 2018, bearing Chassis No.MA3ERLF1S00624809, Engine No.G12BN603212, and a application in Form 20, was submitted to the 3rd respondent and the life tax was also paid on 28.07.2018, through online. Since, the vehicle allotted to the customer was slightly damaged during transit from the manufacturer, the petitioner had given another vehicle to the customer, keeping the damaged vehicle with him. After the defects were rectified in the vehicle, a company in Rajasthan had purchased that vehicle. Since the vehicle has to be registered temporarily for delivery to the purchaser to enable him to take it to Rajasthan for permanent registration, the petitioner approached the 4th respondent for temporary registration, but they have refused to entertain the application on the ground that the earlier Form 20, registration was not cancelled. Thereafter, the petitioner has made necessary application for cancelling the earlier temporary registration of the vehicle, but it is not considered by the respondents 3 & 4. Hence, the present Writ Petition has been filed.

3. Earlier notice was ordered to the respondents. Mrs.Ramya Revathy, the learned Government Advocate, appearing for the respondents on instructions submitted that, the petitioner has to file a proper application for cancelling the earlier, temporary registration, and only after cancelling the earlier Form 20, and the new Form 20, will be accepted for the said vehicle.

4. Considering the above submissions the petitioner is directed to approach the 3rd respondent and file necessary application to cancel the earlier temporary registration issued in Form 20. On receipt of the application, the 3rd respondent is directed to cancel the registration. Thereafter, the petitioner is directed to approach the 4th respondent to file necessary application for temporary registration and on filing such application the 4th respondent is also directed to consider the same and pass orders on merits and in accordance with law.

5. With the above direction the Writ Petition is disposed of. No costs.

Msvm

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

To

1. The Secretary
Home (Transport) Department,
Fort St. George,
Chennai - 600 009.
2. The Deputy Transport Commissioner-I,
State Transport Authority,
Chepauk,
Chennai - 600 005.
3. The Registering Authority-cum-
The Regional Transport Officer,
Meenambakkam,
Chennai - 600 027.
4. The Registering Authority-cum-
The Regional Transport Officer,
Chennai (Central),
Chennai.

+1cc to Mr.S.Govindraman, Advocate SR.No.72251

+1cc to Government Pleader SR.No.73005

KR/23/11/18

Writ Petition No.25188 of 2018

सत्यमेव जयते

WEB COPY