



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20143 of 2017

L.Muthurakkappan

... Petitioner

Vs.

1.The Secretary,
The Regional Transport Authority,
Regional Transport Office,
District Collectorate Complex,
Dindigul.

2.The Motor Vehicle Inspector Grade I,
Regional Transport Office,
District Collectorate Complex,
Dindigul.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to reissue maxi cab permit and also to register the petitioner's vehicle "Eicher 10.50 cowl - chassis BS III" type bearing chassis number MC2A1CRFOGJ354138 and engine number E413CDGJ108150.

For Petitioner : Mr.S.Vedachalam

For Respondents : Mr.J.Gunaseelan Muthiah,
Addl., Govt.Pleader

ORDER

The petitioner applied to the first respondent for issuance of "maxi cab permit" in respect of "Eicher 10.50" model vehicle. The first respondent passed an order dated 19.09.2016 granting sanction. The petitioner was asked to produce the certificate of registration together with other documents within a period of three months therefrom. The petitioner availed vehicle loan and purchased one "Eicher 10.50 Cowl with Chassis- BS III" from an authorized dealer. After obtaining temporary registration certificate, the petitioner handed over the vehicle to Tvl Gemini Coach Builders, Karur for building a maxi cab body upon the chassis. The vehicle was delivered on 05.12.2016. Thereafter,



the petitioner produced the same before the second respondent for registration. The second respondent however declined to register the vehicle. Hence, this writ petition came to be filed.

2. Heard the learned counsel on either side.

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3. The first respondent has filed a detailed counter affidavit pointing out that the petitioner did not buy a completely built up unit vehicle from the dealer. He only purchased "Eicher 10.50 Cowl with Chassis-BS III type" on which he built up the maxi cab body. The resultant vehicle is not in tune with the norms prescribed by the authority. The over all length is 5500 mm when it should be 4833 mm. Likewise, over all width is 2450 mm when it should be 1995 mm. It is for this reason, the petitioner's vehicle could not be registered. The respondents therefore sought dismissal of this writ petition.

4. It is not in dispute that the petitioner purchased a vehicle only after getting a sanction from the first respondent. It is also not in dispute that the Transport Commissioner had issued registration approval No.37/2011 dated 31.01.2011 directing the registering authorities to register the vehicle classified as "Eicher 10.50 RHD C cowl and Chassis BS III." The specific case of the petitioner is that he had purchased the vehicle only from an authorized dealer. Section 52(1) of the Motor Vehicles Act, 1988 states that no owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are at variance with those originally specified by the manufacturer.

5. But, in the present case, it was the petitioner who constructed the body on the chassis. The body builder had issued a certificate dated 05.12.2016 that the body was configured by them and that the same complies with the provisions of the Motor Vehicles Act, 1988 and the rules made thereunder.

6. This certificate dated 05.12.2016 is enclosed at Page No.12 of the typed set of papers. The Gemini Body Builders have been duly accredited. The certificate for renewal or accreditation is enclosed at Page No.15 of the typed set of papers. The petitioner had not put up anything on his own. If the vehicle produced by him before the registering authority is conforming to the norms approved by the competent authority, it is not open to the second respondent to withhold the registration.

7. The only question that should be raised by the second respondent is as to whether the vehicle now produced by the petitioner is similar to the CBU (Complete Built Unit) by the manufacturer themselves. If that is so, merely because the body was put up by the petitioner through the accredited body builder



cannot make any difference. That apart, the petitioner in his affidavit has specifically pointed out that similar vehicles are very much plying in the Dindigul District after getting registration certificate from the respondent authorities. If that is so, that would be a clear case of discrimination. The respondents shall not deny registration to the petitioner only on the ground that the body was built up by the petitioner on the chassis purchased from the authorized dealer.

8.Of course, if the petitioner's vehicle does not fulfil the seating norms or the norms regarding length and width, the second respondent would be justified in directing the petitioner to re-modify the vehicle so as to bring it in conformity with the stipulations. But, in this case, the petitioner produced a vehicle for registration as early as on 05.12.2016. It has been kept pending. The second respondent ought to have passed an order disposing of the petitioner's application. Not doing so, is clearly improper. In this view of the matter, the second respondent is directed to dispose of the petitioner's application seeking registration of the vehicle "Eicher 10.50 cowl - chassis BS III" type bearing chassis number MC2A1CRFOGJ354138 and engine number E413CDGJ108150, within a period of two weeks from the date of receipt of a copy of this order.

9.This writ petition is allowed on the terms indicated above. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

Skm

To

1.The Secretary,
The Regional Transport Authority,
Regional Transport Office,
District Collectorate Complex, Dindigul.

2.The Motor Vehicle Inspector Grade I,
Regional Transport Office,
District Collectorate Complex, Dindigul.

+1 CC TO Mr. S.VEDACHALAM , Advocate, Sr.No. 46753
+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No. 47238
JAM/29/05/2018/ SKN-RSK/SAR 2/ 3P-5C

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