



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19676 of 2018

V.Paulchinnaiah

... Petitioner

Vs.

1.S.Karuppusamy,
The Regional Transport Officer,
Madurai North,
Madurai-625 007.

2.The Regional Transport Officer,
Madurai North,
Madurai-625 007.

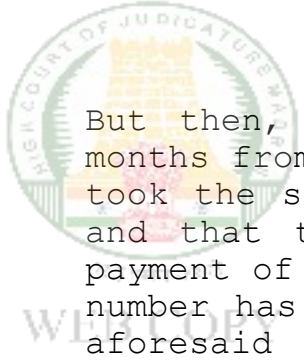
3.The Government of Tamil Nadu
Rep by its Additional Chief Secretary
Home, Prohibition and Excise Department
Secretariat, Chennai ... Respondents
(R3 impleaded vide court order dated
29.10.2018 in WMP(MD)No.18972/18

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus by calling for the records pertaining to order passed in Na.Ka.No.52318/E1/2018 dated 27.08.2018 and quash the same and further directing the first respondent to assign the Registration number as TN-59 CF-0009 to the BMW Motor Car having the Engine & Chassis No.0097 Y 148 and WBA HU1705 J5 J02186 respectively based on my e-application 18.01.2018 and payment of fees collected by the respondent on 21.02.2018 towards the fees for the allotment of Registration Number as TN-59, CF-0009.

For Petitioner	: Mr.K.K.Samy
For Respondents	: Mr.K.Mu.Muthu Additional Government Pleader

ORDER

The petitioner had purchased a BMW Motor Car on 17.01.2018. He had remitted the necessary road tax also. He wanted a fancy number namely TN59 CF 0009. In terms of Rule 91 of Tamil Nadu Motor Vehicles Rules, such a number was reserved in his favour by the Government. The necessary reservation fee was also promptly paid.



But then, the petitioner did not produce the vehicle within two months from the date of allotment. Therefore, the second respondent took the stand that the earlier reservation fee cannot be refunded and that the number will be re-allotted to him only on a fresh payment of Rs.60,000/-. It is admitted by the respondents that this number has not been allotted to any other person. Challenging the aforesaid stand of the respondent issued vide order dated 27.08.2018, this writ petition has been filed.

2. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader. Mr.G.Suresh Kannan, Senior Assistant, Regional Transport Office, Madurai North is present in person to assist the Court.

3. The respondents invoked Rule 91(5) and 91(6) of Tamil Nadu Motor Vehicles Rules, to sustain their contentions that not only the reservation stood cancelled but also the reservation fee will not be refunded. It is not in dispute that the reserved number has not been allotted to any other person. It is also not in dispute that notice for cancellation was not issued. Only if the vehicle is not produced within 30 days from the date of receipt of notice for cancellation, the adverse consequence set out in sub-rule 5 and 6 of Rule 91 will ensue.

4. Since, in this case, such a notice for cancellation has not been sent and the number has not been allotted to anybody else, this Court is of the view that the respondents are not justified in calling upon the petitioner to make a fresh payment of Rs.60,000/-.

5. In this view of the matter, the order impugned in this writ petition is set aside. The petitioner shall produce the vehicle in question before the Motor Vehicle Inspector, Madurai North within a period of seven days from the date of receipt of a copy of this order. There upon, the second respondent / Motor Vehicle Inspector, Madurai North shall allot the registration number TN 59 CF 0009 to the petitioner's vehicle immediately thereafter.

6. Accordingly, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)



To

1.The Regional Transport Officer,
Madurai North,
Madurai-625 007.

2.The Regional Transport Officer,
Madurai North,
Madurai-625 007.

3.The Additional Chief Secretary,
The Government of Tamil Nadu
Home, Prohibition and Excise Department
Secretariat, Chennai

+1cc to Mr.K.K.Samy Advocate in SR.No.96358

+1cc to Special Government Pleader Advocate in SR.No.96558

W.P. (MD) No.19676 of 2018

PMN

PSRSK SAR4 06.12.2018 3P 6C