

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.02.2019

CORAM
THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.823 of 2019 &
WMP.No.915 of of 2019

R. Mohammad Younus

...Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Transport Secretary,
Department of Transport,
Fort St. George,
Chennai - 600 040.

2. The Regional Transport Officer,
Regional Transport Office (North-West),
Anna Nagar, New Avadi Road,
Chennai- 600 040.

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of a writ (a) To direct the second respondent to accept the cost mentioned in the invoice dated 15.01.2018 as the cost of the vehicle, for the purpose of calculation of tax as defined under the Tamil Nadu Motor Vehicle Taxation Act, 1974 and

(b) To direct the second respondent to accept my application under section 47(1) of Motor Vehicle Act, 1988 for re-registration of FIAT G. PUNTO 1.3 DIESEL 76PS EMOTION BSIV 2009 model bearing registration No.MH 12 FP 8108 and having Engine No.0020117 and Chassis No.MCA118A5507000074DPZ.

Prayer amended vide order dated 29.01.2019, made in WMP.No.2705 of 2019 in W.P.No.823 of 2019 by KRCBJ.

For Petitioner : Mr. R. Mansoor Ilahi

For Respondents : Mr. Zakkir Hussain,
Government Advocate

O R D E R

The petitioner has filed this Writ Petition seeking a direction to the second respondent to accept the cost of the Vehicle, being a Fiat G Punto 1.3 Diesel 76 PS Emotion BSIV 2009 model bearing registration No.MH 12 FP 8108 and having engine No.0020117 and chassis No.MCA118A5507000074DPZ (the 'vehicle') as

per invoice dated 15.01.2019 for the purpose of calculation of tax as per the provision of the Tamil Nadu Motor Vehicle Taxation Act, 1954 and a further direction to the second respondent to accept his application under section 47(1) of the Motor Vehicles Act, 1988 for re-registration of the vehicle.

2. On 21.02.2019, Mr.Zakkir Hussain, learned Government Advocate had taken notice on behalf of the respondents and sought time to obtain instructions and file a counter. Today when the matter is called for hearing, though no counter has been filed, he submits that he has instructions in the matter and is ready to proceed.

3. The petitioner is an employee in Chrysler Automobiles Engineering India Private Limited, Chennai, a subsidiary of Fiat Chrysler Automobiles India Private Limited. As per the normal practices followed, an announcement was made for sale of used cars in the possession of the Company through the mode of seeking bids from the employees. The petitioner participated in the auction and bid for the vehicle. The Vehicle has been used for the purpose of testing and has undergone substantial wear and tear for nine (9) years, clocking 89,500 kms at the time of auction. The price of the vehicle has been determined, according to the petitioner, based on third party inspection and represents a proper valuation of the vehicle.

4. The petitioner was the successive bidder in the auction. The entire consideration has already been paid to the Company and the petitioner has taken possession of the vehicle on 25.01.2018. The car was registered with the authorities in Maharashtra and thus requires re-registration in terms of the Motors Vehicles Act, 1988 in the State of Tamil Nadu, insofar as it is proposed to be used by the petitioner here.

5. All authorities including the Commissioner of Police have issued the required Certificate and the petitioner has also obtained the Registration Certificate, Insurance copy, Address proof, Id proof and Valid Pollution Control Certificate. However, when the second respondent was approached for the purpose of granting re-registration, the application for re-registration in Form 20 was not accepted.

6. Mr.Hussain, fairly states that the second respondent is bound to receive the application and pass appropriate orders in accordance with law thereupon.

7. Accordingly, having heard both learned counsel, I direct the petitioner to appear before the second respondent on 27.02.2019 along with the application form in the required format, supported by required annexures. The second respondent

shall pass orders upon the application within a period of one (1) week from today.

8. This Writ Petition is disposed of in the above terms. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Transport Secretary,
Department of Transport,
Fort St. George,
Chennai - 600 040.
2. The Regional Transport Officer,
Regional Transport Office (North-West),
Anna Nagar, New Avadi Road,
Chennai- 600 040

+1cc to the Government Pleader, S.R.No.18184
+1cc to Mr.R.Mansoor Ilahi, Advocate, S.R.No.18036
+1cc to Mr.S.Yogalakshmi, Advocate, S.R.No.20492(13/03/2019)

W.P.No.823 of 2019 &
WMP.No.915 of of 2019

rrs 28/02/2019

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