

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1902 of 2020

1. Suraj Tripathi, S/o Bhism Tripathi, Aged About 28 Years, R/o 574, Ward No. 18, Near Post Office, Village:Masturi, District :Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through its Secretary, Department of Transport, Mantralaya, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh
5. Regional Transport Officer, RTO Office, Seepat Road, Bilaspur, District: Bilaspur, Chhattisgarh

-----Respondents

For Petitioner	:	Mr. Gary Mukhopadhyay, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Adv.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25.08.2020

1. The grievance of the petitioner in the present writ petition seems to be the non-registration of his vehicle which he had purchased in December, 2019.
2. According to the counsel for the petitioner, the petitioner had purchased a Bus on 30.12.2019. That since it was only a chassis that was purchased by him, he had given it to a third party so that body of the vehicle could be converted into a passenger bus. Finally the vehicle was presented before the Transport Authority for inspection and registration on 13.03.2020. According to the counsel for the petitioner, immediately thereafter the lockdown

was imposed throughout the country and on account of which, the inspection and registration of vehicle could not be done.

3. However, even though the lockdown was relaxed by the Government, the Transport authorities have not registered the vehicle; though no reasons have been assigned. According to the counsel for the petitioner, it is presumed that the registration was not done seems to be on account of the fact that the vehicle purchased by the petitioner was of BS-IV model, vehicles with the emission standard of BS-IV was temporarily suspended by the authorities from registration.
4. The contention of the counsel for the petitioner now that the Hon'ble Supreme Court in the case of M.C. Mehta vs. Union of India on 13.08.2020 has passed an order whereby the Hon'ble Supreme Court has categorically held that registration of such vehicles, which were purchased prior to March, 2020 which could not be registered during the lockdown may approach the Transport authorities for getting registered in-accordance-with law. The registration cannot be stalled or withheld only on the ground that the vehicle is of BS-IV emission standard. Admittedly, the petitioner's vehicle was purchased prior to 31.03.2020 and the order of Hon'ble Supreme Court permits the vehicle of the petitioner also to be given registration. Subject to the verification of fact that the petitioner fulfills all other requisite eligibility criteria for the same.
5. Given the said facts in terms of the order passed by the Hon'ble

Supreme Court in the case of M.C. Mehta, the present writ petition stands disposed off directing the respondent no. 2 to immediately process and consider the case of the petitioner for registration in accordance-with law and keeping in view the order of the Hon'ble Supreme Court dated 13.08.2020 permitting the vehicle with BS-IV model be also given registration. Subject to there being no other impediment and in case, if there is any other impediment, the petitioner would have to satisfy the authorities in-accordance-with law for the same.

6. With the aforesaid observation and direction, the present Writ Petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge