

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.372 of 2016

and W.M.P.Nos.256 & 12561 of 2016

N.Rajkiran

... Petitioner

Vs.

The Regional Transport Officer,
Chennai Central,
Chennai - 600 023.

... Respondent

Petition filed under Article 226 of the Constitution of India for issuing a writ of certiorari calling for the records of the respondents herein vide in Memo No.C2/60565/2014 dated 03.03.2015 and Letter No.D3/60565/2015 dated 27.11.2015 demanding difference of advance number registration fee of Rs.50,000/- in respect of the petitioner's vehicle Number TN-01/BA-5555. (Prayer amended vide order dated 09.10.2020 made in W.M.P.No.18089 of 2020)

For Petitioner : Mr.K.Hariharan

For Respondent : Mrs.K.Bhuvaneswari,
Additional Government Pleader

O R D E R
सत्यमेव जयते

The petitioner has filed the above Writ Petition to issue a Writ of certiorari to call for the records of the respondents dated 03.03.2015 and Letter dated 27.11.2015 demanding difference of advance number registration fee of Rs.50,000/- in respect of the petitioner's vehicle Number TN-01-BA-5555.

2.It is the case of the petitioner that he purchased a new Car on 03.03.2012 and in order to get a fancy number, he paid the prescribed fee of Rs.50,000/- in the Office of the respondent on 03.03.2012 itself. The vehicle was registered in the name of the petitioner, assigning the vehicle Number as TN-01-BA-5555. Subsequently, on 03.03.2015, the respondent issued a

memo to the petitioner calling upon him to pay a further sum of Rs.50,000/- as the difference of fees for advance number allotted to his vehicle. In the memo, the respondent has stated that on 10.04.2012, the State Government issued G.O.Ms.No.301 Home (Transport - VI) Department and amended Rule 132 of the Tamil Nadu Motor Vehicles Rules, 1989 and enhanced the fees for fancy number to Rs.1,00,000/-. Challenging the same, the petitioner has filed the above Writ Petition.

3.Mr.K.Hariharan, learned counsel appearing for the petitioner submitted that the amendment to Rule 132 was made only on 10.04.2012 and the amendment is not retrospective and is only prospective. The learned counsel also relied upon the Government Gazette dated 10.04.2012 with regard to the amendment made to Rule 132.

4.On a perusal of the Government Gazette, it is clear that the Government has not specifically stated that the amendment would be retrospective. In the absence of the same, the amendment could only be construed as prospective. When the amendment has come into force on 10.04.2012 and the petitioner's vehicle was registered on 04.04.2012 itself, the amendment Rules does not apply to the petitioner's vehicle.

5.Mrs.K.Bhuvaneswari, learned Additional Government Pleader appearing for the respondent submitted that the Draft Notification was issued on 31.03.2012 and therefore, the amendment would come into force from the date of issuance of Draft Notification.

6.The contention of the learned Additional Government Pleader appearing for the respondent cannot be accepted for the reason that in the Government Gazette, G.O.Ms.No.301, Home (Tr-VI), dated 10.04.2012, the Government has not specifically stated that it will operate retrospectively. In such view of the matter, the memo dated 03.03.2015 and the letter dated 27.11.2015 issued by the respondent demanding difference of fee are set aside. The Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

sd/
ASSISTANT REGISTRAR

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SUB-ASSISTANT REGISTRAR

va

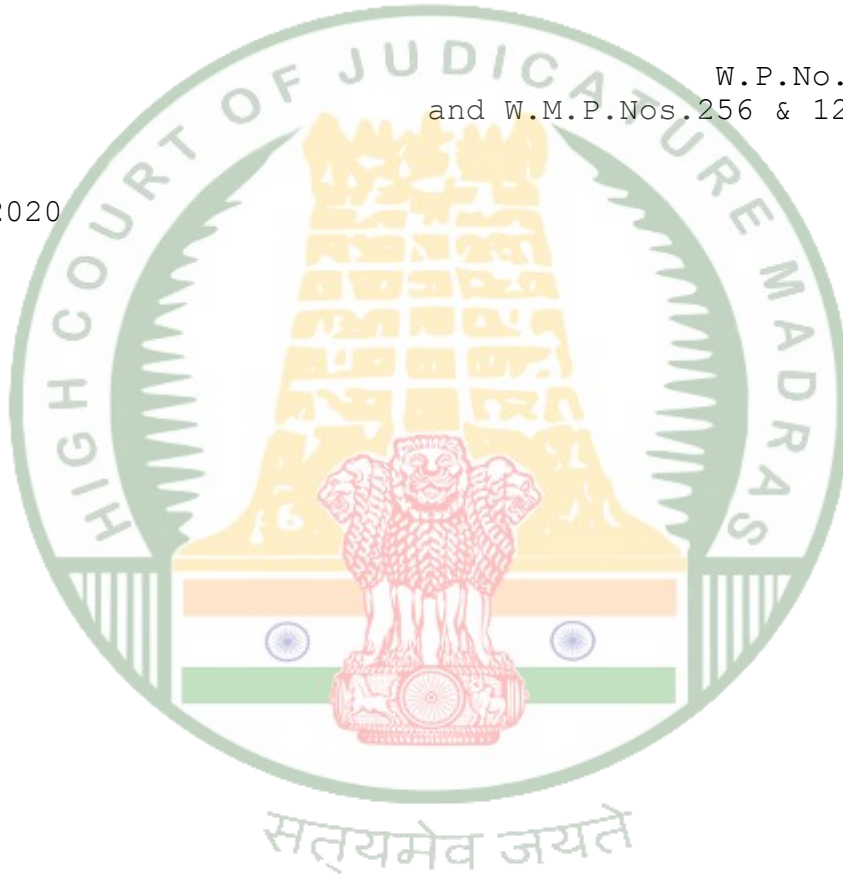
To

The Regional Transport Officer,
Chennai Central,
Chennai - 600 023.

+1 CC to The Government Pleader, High Court, Sr.No.39062

W.P.No.372 of 2016
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SR.II (CO)
cs 19/12/2020



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