



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.7823 of 2020

T.Bovas

... Petitioner

Vs

The Regional Transport Authority,
Marthandam,
Kanyakumari District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to Register the petitioner's vehicle viz, Volkswagen Vento 1.6 MT Highline petrol car bearing chassis no. MEXA16600GT065913 and Engine No. CLS 460008 and also to issue the permanent Registration Certificate to the petitioner's above vehicle in the light of the order dated 29.03.2017 made by the Honble Apex Court in IA.No.487/2017, I.A.No.491/2017, I.A.No.494/2017, I.A.No. 489 of 2017 and I.A.No.495 of 2017 in Writ Petition (Civil) No.13029/1985 by considering the petitioner's representations dated 13.02.2019 and 17.09.2019 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondent : Mr.M.Rajarajan
Government Advocate

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondent.

2. The petitioner had purchased the petition mentioned vehicle on 28.04.2016. He had availed vehicle loan from Mahindra & Mahindra Financial Services Limited, Nagercoil. The petitioner also took temporary registration. Thereafter, the petitioner is said to have left for Saudi Arabia and he returned to India only recently. He applied for permanent registration for the vehicle in question which is only with BS - III (Bharat Stage III) emission standard compliant. Therefore, the respondent had taken a stand that in view of the order passed by the Hon'ble Supreme Court in Writ Petition (Civil) No.13029/1985, dated 29.03.2017, the respondent is not in a position to grant permanent registration.



3. In fact the learned Government Advocate also states that the hands of the respondent is squarely bound by the aforesaid order of the Hon'ble Supreme Court.

4. After hearing the learned counsel on either side, I have to necessarily observe that the respondent has misconstrued the direction passed by the Hon'ble Supreme Court. The direction issued by the Hon'ble Supreme Court reads as follows:

"(a). On and from 1st April, 2017 such vehicles that are not BS-IV compliant shall not be sold in India by any manufacturer or dealer, that is to say that such vehicles whether two wheeler, three wheeler, four wheeler or commercial vehicles will not be sold in India by any manufacturer or dealer on and from 1st April, 2017.

(b). All the vehicle registering authorities under the Motor Vehicles Act, 1988 are prohibited for registering such vehicles on and from 1st April, 2017 that do not meet BS-IV emission standards, except on proof that such a vehicle has already been sold on or before 31st March, 2017"

5. A mere reading of the aforesaid order would indicate that if the vehicle in question had been sold on or before 31.03.2017, then even if it is not BS - IV compliant, registration can be done. The petitioner has placed convincing materials in the typed set of papers that the vehicle was purchased on 28.04.2016 and temporary registration certificate was given on the said date. The respondent did not dispute the validity of documents enclosed in page Nos. 3 and 4 of the typed set of papers. In as much as the petitioner has purchased the vehicle in question well before the cut off date i.e. 31.03.2017, I am of the view that the respondent cannot deny the benefit of permanent registration to the petitioner herein. Therefore, the respondent is directed to register the petition mentioned vehicle without any delay.

6. The Writ Petition stands allowed. No costs.

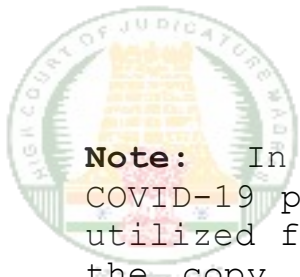
Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Regional Transport Authority,
Nagercoil,
Kanyakumari District.

W.P. (MD) No. 7823 of 2020
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