

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 26.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. MAHADEVAN

Writ Petition No.6768 of 2021

M. Darshan

... Petitioner

-Vs-

- 1.The Regional Transport Officer,  
Vellore, Vellore District.
  2. The Regional Transport Officer,  
Ambur, Tirupattur District.
  3. The Regional Transport Officer,  
Ranipet, Ranipet District.
  4. The Regional Transport Officer,  
Tiruttani,  
Thiruvallur District.
  5. The Regional Transport Officer,  
Kallakurichi,  
Kallakurichi District.
  6. The Regional Transport Officer,  
Thiruvannamalai,  
Thiruvannamalai District.
  7. The Regional Transport Officer,  
Arani, Thiruvannamalai District.
- ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents to register the BS-4 Two Wheelers sold by petitioner's showroom and issue the registration certificates without any further delay.

For Petitioner : Mr.M.Sathishkumar  
For Respondents : Mr.Kumaresh Babu, AAG  
assisted by Mr.J.Ramesh, AGP

O R D E R

Heard Mr.M.Sathish Kumar, learned counsel for the petitioner and Mr.Kumaresh Babu, learned Additional Advocate General assisted by Mr.J.Ramesh, learned Additional Government Pleader appearing for the respondents.

2.This Writ Petition has been filed for the issuance of Mandamus, directing the respondents to register the BS-4 Two Wheelers sold by the petitioner's showroom and issue registration certificates without any further delay.

3.According to the petitioner, he is a Managing Partner of M/s.VDS Sayar Bajaj, which is carrying on the business of sales and service of two wheelers of Bajaj brand. The Apex Court in M.C.Metha Vs. Union of India in W.P.(civil) No.13029 of 1985 had banned the registration of BS-4 vehicles from 01.04.2020 and the petitioner being a dealer, sold the BS-4 two wheelers strictly complying with the directions of the Supreme Court. However, during the lockdown period, due to server problem, the petitioner was unable to upload the sales details of BS-4 two wheelers in the Government portal, though he has paid insurance, form 20, form 21 and tax invoices in time for some of the vehicles. It is further submitted that some of the customers have paid the initial amount, but due to lockdown, they were unable to purchase the vehicles and such kind of vehicle were also uploaded in the website. Likewise, 51 two wheelers were pending for registration, but the respondent authorities have refused to register those vehicles, though the invoices, insurances and e-payments were made before the cut off date. Hence, the petitioner has no other alternative except to approach this Court with the present writ petition for the aforesaid relief.

4. Upon notice, the respondents filed a counter affidavit denying the averments made in the writ petition.

5.The learned counsel for the petitioner, after arguing sometime, submitted that it would suffice, if the petitioner is granted liberty to approach the respondent authorities with a representation enclosing documents to substantiate that the sale of BS4 two wheelers was taken place before the cut off date and he uploaded all the relevant details in the website.

6.There is no serious objection on the side of the respondents for granting such relief to the petitioner.

7.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the petitioner is permitted to give a detailed representation enclosing supportive documents before the respondent authorities, within a period of two weeks from the date of receipt of a copy of this order. On such representation being made, the respondent authorities shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter.

8.The Writ Petition is disposed of with the above directions. No costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

msr  
To

- 1.The Regional Transport Officer,  
Vellore, Vellore District.
2. The Regional Transport Officer,  
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7. The Regional Transport Officer,  
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+1cc to Mr.M/Sathish Kumar, Advocate SR.No. 2553

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LN(CO)  
A.SK(07.07.2021)

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