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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.14580 OF 2021

M/s.SGA CABS INDIA PVT. LTD.,
Represented by its Managing Director
A.Arputharaj,
131 Uppilipalayam Main Road,
Sowripalayam, Coimbatore.

... Petitioner

.Vs.

The Registering Authority,
Regional Transport Office,
Coimbatore.

... Respondent

PRAYER:-

Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondent to register and to issue registration certificate forthwith to the vehicles below mentioned.

S.No.	Vehicle Model/Name	Chasis no.
1	Octavia Style 2.0 TDI AT	TMBBJFNE9JA007375
2	Rapid Ambition 1.5 TDI AT	TMBBVCNA5KG012099
3	Kodiaq style 2.0 TDI AT	TMBMJENSXKA400831
4	Octavia L&K 2.0 TDI AT	TMBBJLNE4KA008465
5	Rapid style 1.5 TDI AT	TMBBVLNA4KG018685
6	Superb style 2.0 TDI AT	TMBBKANPOKA300150
7	Superb style 2.0 TDI AT	TMBBKGNP4KA300896
8	Superb style 2.0 TDI AT	TMBBKCNP2HA300171
9	Rapid style 1.5 TDI MT	TMBBVJNA6HG109129
10	Octavia L&K 2.0 TDI AT	TMBBJJNE7JA007927
11	Octavia L&K 2.0 TDI AT	TMBBJKNE4JA008264
12	Superb L&K 2.0 TDI AT	TMBBKMNP6JA301688



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For Petitioner : Mr.R.Anish Kumar
For Respondent : Mr.U.Baranidharan
Government Advocate

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the respondent to register the vehicles and to issue registration certificate to the petitioner.

2. The case of the petitioner is that the 12 vehicles, which have been listed at Paragraph No.7 of the affidavit fall within the category of BS-IV vehicles. The Hon'ble Supreme Court, while passing orders in W.P.(C) No.13029/1985 in M.C.Mehta v. Union of India made it clear that the sale and registration of BS-IV vehicles will not be allowed after 31.03.2020. The Hon'ble Supreme Court held that registration of such vehicles, where the sales of which were not uploaded on the portal of the Central Government or the State Government will not be registered thereafter.

3. It is pursuant to the above order, the petitioner wanted to upload the details of 12 vehicles in the official portal and according to the petitioner, the official portal was not functional from 24.03.2020 to 31.03.2020 and as a result of the same, the petitioner was not able to upload the details of the vehicles. In view of the above, the petitioner made representations to the respondent to register the vehicles and issue registration certificates. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. The main ground that has been taken by the learned counsel for the petitioner is that from 24.03.2020 to 31.03.2020, the E-Vahan portal was not operational and the petitioner was not able to upload the details of the vehicles number within the stipulated period. To substantiate this submission, the learned counsel for the petitioner brought to the notice of this Court the document available at Page No.39 of the typed set of papers. It is seen from the document that the petitioner was not allowed to log in and they were directed to contact the administrator. For proper appreciation, the endorsement that is found at Page No.39 is extracted hereunder;



"As per the instruction you are not allowed to login, please contact to State Administrator. Sorry for the inconvenience....."

6. The learned counsel for the petitioner submitted that when similar writ petitions were filed before this Court, the same were considered by this Court and orders were passed by issuing directions to the authorities. To substantiate this submission, the learned counsel brought to the notice of this Court the orders passed in W.P.(MD) Nos.13720/2020, 145/2021 and 5846 etc., of 2021.

7. A careful reading of all the orders that were pointed out to this Court shows that this Court had ensured in all those cases that the details of the vehicles were duly uploaded in the portal within the cut off date. Even otherwise, if the details of the vehicles have not been uploaded on or before 31.03.2020, this Court cannot issue any directions to the respondent to register the vehicles, since it will run contrary to the directions issued by the Hon'ble Supreme Court in the judgment referred supra.

8. This Court wanted to satisfy itself with regard to the factual allegation that was made by the petitioner that the portal was not opening from 24.03.2020 to 31.03.2020. This Court, therefore, directed the learned Government counsel to produce the relevant documents to prove that the details of vehicles were uploaded during this period in the portal. Accordingly, the learned Government counsel produced the details from the Regional Transport Officer, Coimbatore South and it is found from those details that nearly 61 vehicles have been uploaded in the portal between the period from 24.03.2020 to 31.03.2020. This prima facie shows that the portal was operational and it is not known as to why the petitioner was not able to effectively upload the details in the portal.

9. The learned Government counsel also made submissions on the merits of the case to the effect that an inspection was made by the Motor Vehicles Inspector with regard to all the 12 vehicles and it was found that these vehicles were effectively in usage even as on 15.07.2021. This Court does not want to go into this factual aspect and it will be irrelevant to get into this issue for the purpose of deciding this writ petition.

10. There are prima facie materials to show that the portal was functional/operational from 24.03.2020 to 31.03.2020 and nearly 61 vehicles were uploaded during this period. Therefore, this Court is not able to agree with the contention raised by the learned counsel for the petitioner, as if the portal was not functional during the entire period. Once the cut off date of



31.03.2020 is crossed, this Court cannot pass any orders directing the respondent to register the vehicles since it will run contrary to the specific directions issued by the Hon'ble Supreme Court.

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11. In view of the above discussion, this Court does not find any ground to grant the relief as sought for in the writ petition and accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RR

To

The Registering Authority,
Regional Transport Office,
Coimbatore.

+1cc to Mr.R.Anish Kumar, Advocate, S.R.No.38895
+1cc to the Government Pleader, S.R.No.38467

W.P.No.14580 of 2021

PMK (CO)
PBS/08/09/2021