



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.145 of 2021

WEB COPY

PL.A.Sales Corporation,
Represented by its Proprietor,
PL.A.Palaniappan

... Petitioner

Vs.

The Registering Authority - Cum -
The Regional Transport Officer,
Karur

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the impugned letter of the respondent vide Na.Ka.No.38718/A2/20 dated Nil.12.2020 in rejecting the request for registration of vehicles and quash the same and further to direct the respondent to register the vehicles on the petitioner's representation dated 17.12.2020 and to issue the certificate of the registration in accordance with law.

*(Prayer is amended vide order dated
09.02.2021 in W.M.P.(MD)No.1914 of 2021 in
W.P.(MD)No.145 of 2021)*

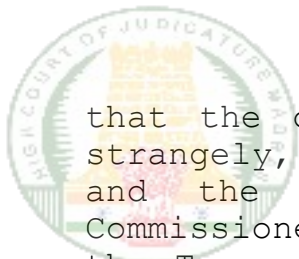
For Petitioner : Mr.S.Govindraman
For Respondent : Mr.C.Ramar,
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent.

2.The writ petitioner is a dealer in two wheelers. The case on hand pertains to issue of registration BS-IV non-compliant two wheeler vehicles. The issue on hand is no longer *res integra*. The Hon'ble Supreme Court in W.P.(Civil) No.13029 of 1985 (M.C.Mehta V. Union of India and Others) had held that the sales of those BS-IV non-compliant vehicles that had taken place before the cut off date namely, 31.03.2020 can be allowed to be registered. But then, the Hon'ble Supreme in a subsequent decision made it clear that the sale details must have been duly uploaded in the E-Vaahan Portal.

3.The specific case of the petitioner is that the sales in question had been uploaded in the E-Vaahan Portal. In page No.2 (paragraph No.3) of the affidavit filed in support of the writ petition, the details have been set out. In fact, in the impugned order rejecting the petitioner's request, the respondent concedes



that the details have been uploaded in the E-Vaahan Portal but strangely, he refers to the decision of the Hon'ble Supreme Court and the circular dated 27.08.2020 issued by the Transport Commissioner to reject the petitioner's case. The said circular of the Transport Commissioner, which incorporates the decision of the Hon'ble Supreme Court states that if the sale details have been uploaded in the EVaahan Portal and the sales have taken before the cut off date, then the registration cannot be denied. I can understand if the respondent's stand is that the sales had taken place subsequent to the cut of date or if they have not been uploaded. The respondent appears to concede in the impugned order that the sales have taken place before the cut off the date and the details have also been duly uploaded in the web portal. Having conceded the factual position, the respondent could not have denied the petitioner's request. The impugned order suffers from the vice of internal contradiction. The impugned order is quashed and the respondent is directed to register the petition mentioned vehicles without any delay. The writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

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 Registering Authority - Cum -
The Regional Transport Officer,
Karur.

+1 CC to Mr.S.GOVINDRAMAN, Advocate (SR-4171[F] dated 10/02/2021)
+1 CC to SPL GP (SR-4243[F] dated 10/02/2021)

W.P (MD) No.145 of 2021
09.02.2021

VB (01.03.2021) 2P 4C