



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.5846, 5848, 5865, 5877 & 5869 of 2021

WP(MD). 5846 of 2021

Tamilnadu Automobile Dealers Association,
Madurai Zone,
Represented by its President
Mr.Dinesh Kumar Agarwal
Having Office at No.1A, Vanamamalai Nagar,
Bye Pass Road,
Madurai-625 010.

... Petitioner in WP(MD). 5846 of 2021

-Vs-

- 1.The Principal Secretary/Transport Commissioner,
Chepauk,
Chennai-600 005.
- 2.The Registering Authority cum
Regional Transport Officer(TN-58),
Madurai South.
- 3.The Registering Authority cum
Regional Transport Officer(TN-59),
Madurai North.
- 4.The Registering Authority cum
Regional Transport Officer (TN-64)
Madurai Central.
- 5.The Registering Authority cum
Regional Transport Officer (TN-57),
Dindigul.
- 6.The Registering Authority cum
Regional Transport Officer(TN-65),
Ramanathapuram.
- 7.The Registering Authority cum
Regional Transport Officer(TN-94),
Palani.
- 8.The Registering Authority cum
Motor Vehicles Inspector (Grade I),
(TN-58-Y)-Unit Office,
Usilampatti.



9.The Registering Authority cum
Motor Vehicles Inspector (Grade I),
(TN-58-Z)- Unit Office,
Thirumangalam.

10.The Registering Authority cum
Motor Vehicles Inspector (Grade I),
(TN-59-V)-Unit Office,
Vadipatti.

11.The Registering Authority cum
Motor Vehicles Inspector (Grade I),
(TN-59-Z)-Unit Office,
Melur.

12.The Registering Authority cum
Motor Vehicles Inspector (Grade I),
(TN-57-V)-Unit Office,
Vedasandur.

13.The Registering Authority cum
Motor Vehicles Inspector (Grade I),
(TN-57-Y)-Unit Office,
Batlagundu.

14.The Registering Authority cum
Motor Vehicles Inspector (Grade I),
(TN-94-Z)-Unit Office,
Oddanchathiram.

15.The Registering Authority cum
Motor Vehicles Inspector (Grade I),
(TN-65-Z)-Unit Office,
Paramakudi. ... Respondents in WP(MD). 5846 of 2021

PRAYER in WP(MD). 5846 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 2 to 15 to register the motor vehicles for which the sales took place and the applications and the tax paid and uploaded in the Vahan Portal before 31.03.2020 in the light of the letter of the first respondent vide R.No.8678/S3/2020, dated 27.08.2020 and to issue the certificate of registration in accordance with law and grant such further.

WP(MD). 5848 of 2021 :

Tamil Nadu Automobile Dealers Association,
Madurai Zone, Rep. by its President Mr.Dinesh Kumar Agarwal,
Having Office at No.1a, Vanamamalai Nagar,
Bye Pass Road, Madurai 625 010.

... Petitioner in WP(MD). 5848 of 2021



- Vs. -

1. The Principal Secretary/Transport Commissioner,
Chepauk, Chennai 600 005

2. The Registering Authority Cum
Regional Transport Officer (Tn-81), Trichy East, Trichy.

3. The Registering Authority Cum
Regional Transport Officer (Tn-45), Trichy West, Trichy.

4. The Registering Authority Cum
Regional Transport Officer (Tn-48), Srirangam, Trichy.

5. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-48-Z) - Unit Office, Thuraiyur, Trichy District

6. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-48-Y) - Unit Office, Musiri, Trichy District

7. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-45-Z) - Unit Office, Manapparai, Trichy District

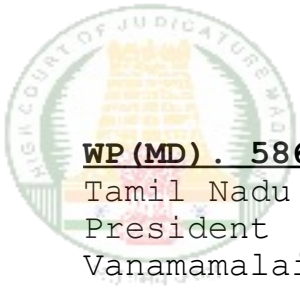
8. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-48-X) - Unit Office, Lalgudi, Trichy District

9. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-81-Z) - Unit Office, Thiruverumbur, Trichy District.

... Respondents in WP(MD). 5848 of 2021

Prayer in WP(MD). 5848/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other appropriate writ or order or direction particularly in the nature of writ, directing the respondents 2 to 9 to register the motor vehicles for which the sales took place and the applications and tax paid and uploaded in the vahan portal before 31.03.2020 in the light of the letter of the 1st respondent vide R.No.8678/S3/2020, dated 27.08.2020 and to issue the certificate of registration in accordance with law and grant such further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.



WP(MD). 5865 of 2021 :

Tamil Nadu Automobile Dealers Association, Madurai Zone, Rep. by its President Mr.Dinesh Kumar Agarwal, Having Office at No.1a, Vanamamalai Nagar, Bye Pass Road, Madurai 625 010.

... Petitioner in WP(MD). 5865 of 2021

- Vs. -

1. The Principal Secretary/transport Commissioner,
Chepauk, Chennai 600 005

2. The Registering Authority Cum
Regional Transport Officer (Tn-47), Karur.

3. The Registering Authority Cum
Regional Transport Officer (Tn-67), Virudhunagar

4. The Registering Authority Cum
Regional Transport Officer (Tn-69), Tuticorin.

5. The Registering Authority Cum
Regional Transport Officer (Tn-72), Tirunelveli.

6. The Registering Authority Cum
Regional Transport Officer (Tn-95), Sivakasi.

7. The Registering Authority Cum
Regional Transport Officer (Tn-92), Thiruchendur

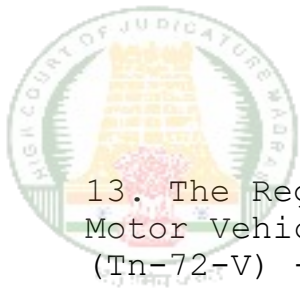
8. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-47-X) - Unit Office, Manmangalam.

9. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-47-Y) - Unit Office, Aravakurichi.

10. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-47-Z) - Unit Office, Kulithalai.

11. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-67-W) - Unit Office, Aruppukkottai.

12. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-69-Z) - Unit Office, Kovilpatti



13. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-72-V) - Unit Office, Valliyur.

... Respondents in WP(MD). 5865 of 2021

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Prayer in WP(MD). 5865 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other appropriate writ or order or direction particularly in the nature of writ, directing the respondents 2 to 13 to register the motor vehicles for which the sales took place and the applications and tax paid and uploaded in the vahan portal before 31.03.2020 in the light of the letter of the 1st respondent vide R.No.8678/S3/2020, dated 27.08.2020 and to issue the certificate of registration in accordance with law and grant such further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

WP(MD). 5869 of 2021 :

Tamil Nadu Automobile Dealers Association, Madurai Zone , Rep by its President, Mr.Dinesh Kumar Agarwal, Having Office at No.1a, Vanamamalai Nagar, Bye Pass Road, Madurai - 625 010.

... Petitioner in WP(MD). 5869 of 2021

- Vs. -

1. The Principal Secretary/Transport Commissioner,
Chepauk, Chennai - 600005.
2. The Registering Authority Cum
Regional Transport Officer (Tn - 60) , Theni.
3. The Registering Authority Cum
Regional Transport Officer (Tn - 74) , Nagercoil.
4. The Registering Authority Cum
Regional Transport Officer (Tn - 75) , Marthandam.
5. The Registering Authority Cum
Regional Transport Officer (Tn- 79), Sankarankovil
6. The Registering Authority Cum
Regional Transport Officer (Tn - 84), Srivilliputhur.
7. The Registering Authority Cum
Regional Transport Officer (Tn - 76) , Tenkasi



8. The Registering Authority Cum
Motor Vehicles Inspector (Grade - I) ,
(Tn - 60- Z) - Unit Office , Uthamapalayam.

9. The Registering Authority Cum
Motor Vehicles Inspector (Grade - I) ,
(Tn -65 -V) , Unit Office, Ambasamudram.

... Respondents in WP(MD). 5869 of 2021

Prayer in WP(MD). 5869/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other appropriate writ or order or direction particularly in the nature of a Writ , directing the respondents 2 to 9 to register the motor vehicles for which the sales took place and the applications and tax paid and uploaded in the Vahan portal before 31/03/2020 in the light of the letter of the 1st respondent vide R.No.8678/S3/2020 dated 27/08/2020 and to issue the certificate of registration in accordance with law and grant such further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

WP(MD). 5877 of 2021 :

Tamilnadu Automobile Dealers Association,, Madurai Zone,
Rep.By its President Mr.Dinesh Kumar Agarwal, Having Office at
No.1a, Vanamamalai Nagar, Bye Pass Road, Madurai-625 010.

... Petitioner in WP(MD). 5877 of 2021

- Vs. -

1. The Principal Secretary/Transport Commissioner,
Chepauk, Chennai-600 005.

2. The Registering Authority Cum
Regional Transport Officer (Tn-49), Thanjavur.

3. The Registering Authority Cum
Regional Transport Officer (Tn-68), Kumbakonam.

4. The Registering Authority Cum
Regional Transport Officer (Tn-55), Pudukkottai.

5. The Registering Authority Cum
Regional Transport Officer (Tn-63), Sivagangai.

6. The Registering Authority Cum
Motor Vehicles Inspector (Grade-Ii),
(Tn-49-Y)-Unit Office, Pattukottai,.



7. The Registering Authority Cum
Motor Vehicles Inspector (Grade-I), (Tn-5-Y)-Unit Office, Iluppur.

8. The Registering Authority Cum
Motor Vehicles Inspector (Grade-I),
(Tn-55-Z)-Unit Office, Aranthangi.

9. The Registering Authority Cum
Motor Vehicles Inspector (Grade-I),
(Tn-63-Z)-Unit Office, Karaikudi.

... Respondents in WP(MD). 5877 of 2021

Prayer in WP(MD). 5877/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT of MANDAMUS or any other appropriate writ or order or direction particularly in the nature of a writ, directing the respondents 2 to 9 to register the Motor Vehicles for which the sales took place and the application and tax paid and uploaded in the Vahan Portal before 31.03.2020 in the light of the letter of the 1st respondent vide R.No.8678/53/2020, dated 27.08.2020 and to issue the certificate of registration in accordance with law and grant such further or other order orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.R.Subramanian
M/s.S.Govindraman

For Respondents : Mr.Sricharan Rengarajan
Additional Advocate General
assisted by Mr.B.Bhagawathi
Government Advocate

COMMON ORDER

Heard the learned counsel appearing for the petitioner and Thiru.Sricharan Rengarajan, learned Additional Advocate General assisted by Mr.B.Bhagawathi, learned Government Advocate appearing for the respondents.

2.The case of the petitioner / assessee is that their members are dealers for motor vehicles. Their specific contention is that even in respect of those sales transactions of BS-IV motor vehicles that had taken place before 31.03.2020, the respondents/authorities are declining to register the vehicles. That necessitated filing of these writ petitions.

3.The learned Additional Advocate General appearing for the respondents would draw my attention to the circular issued by the Transport Commissioner, Chepauk, Chennai, vide letter



R.No.8678/S3/2020, dated 27.08.2020. In the said circular, the following requirements have been laid down:-

a. The BS-IV Vehicles already entered in Vahan 4 having purchase date upto March 31, 2020 and for which tax and fees have already been paid, will be opened up for verification, approval and subsequent processes by the concerned authorities.

b. The BS-IV vehicles for which temporary registration has already been completed or will be completed as per point (a) will be allowed for permanent registration process.

4. According to the learned Additional Advocate General, the requirement set out in the aforesaid circular has not been fulfilled in the present cases. He also would state that the vehicles in question were not produced for registration. He therefore submitted that the respondents cannot be faulted for having declined to register the petition mentioned vehicles.

5. I carefully considered the rival contentions and went through the materials on record.

6. I am of the view that the issued has to be determined only with reference to the direction issued by the Hon'ble Supreme Court from time to time in W.P.(Civil).No.13029 of 1985 (*M.C.Mehta Vs. Union of India and others*). The learned counsel appearing for the petitioner drew my attention to the circular issued by the Union Government vide letter No.RT-1102/47/2014-MVL, dated 19.08.2020, in which, the latest direction of the Hon'ble Apex Court has been extracted in *toto*. The said circular deserves to be extracted verbatim.

No.RT-11021/47/2014-MVL

Government of India

Ministry of Road Transport and Highways

Transport Bhawan, 1.Parliament Street, New Delhi

-110001.

To

August 19th, 2020

The Principal Secretaries/Secretaries, Department of Transport,
The Transport Commissioners of All States/UTs.

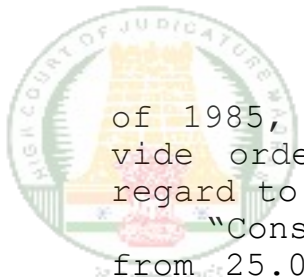
Subject:

Compliance of Hon'ble Supreme Court's order dated 13.08.2020 passed in the matter of W.P.(C)No.13029 of 1985, *M.C.Mehta Vs.Union of India*.

Sir/Madam,

Please refer to the Hon'ble Supreme Court's order dated 13.08.2020(copy enclosed) passed in the matter of W.P.(C)No.13029

<https://hcservices.ecourts.gov.in/hcservices/>



of 1985, M.C.Mehta Vs. Union of India. Hon'ble Supreme Court vide order dated 13.08.2020 has passed following orders with regard to registration of BS-IV Vehicles.

"Considered the rival arguments. The lockdown was imposed from 25.03.2020. The sales data has been furnished for the lockdown period by FADA and Non-FADA members from the period with effect from 15.03.2020. There are unusually a large number of transactions, which had taken place during the lockdown period inter se dealers, which cannot be recognised for the purpose of actual sales and registration. We disallow the registration on the basis of such kind of transactions inter se dealers. As they are not sales to the customers and registration of these kinds of vehicles cannot be allowed, there is a ploy to misuse of the order and such vehicles cannot be permitted to be sold in market now. They are not genuine transactions of the sale to the customers. Hence, no registration of such kind of vehicles shall be made, which were sold inter se dealers during the lockdown period.

Apart from that, there are large number of vehicles, sales of which were not uploaded on E-Vaahan Portal. Since sales were not uploaded, as required, the transactions cannot be recognised as genuine sales. The order passed by this Court on 24.10.2018 is clear that sale and registration of BS-IV vehicles shall not be allowed after 31.03.2020. We cannot allow the registration of such vehicles, sales of which were not uploaded on E-Vaahan Portal of the Central Government or the portal of the concerned State Government.

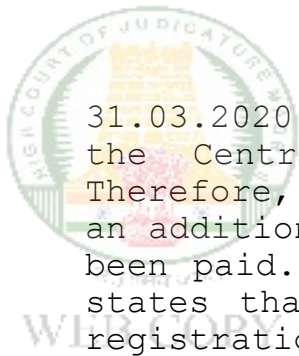
There are still stated to be a large number of sales which have been made and uploaded on the E-Vaahan Portal, even temporary registrations were made. Their registration during the lockdown period could not be made. Hence, we allow registration of such vehicles only which could not be registered during lockdown in the month of March, 2020 and for no other reasons. However, the position of Delhi and NCR is different.

We clarify our order dated 27.03.2020 to the effect that no registration of BS-IV vehicles is to be made in Delhi and NCR as people are suffering from severe air pollution and the order passed by this Court in 2018 was clear. No vehicle of BS-IV in Delhi and NCR to be registered. We order that in the Delhi and NCR, no registration of the vehicles of BS-IV is to be made after 31.03.2020. This order is for the rest of the country and only due to lockdown, not to be used for any other purpose/reason and for registration of other vehicles of which registration was not done for any other reason.

..... "

3. It is requested to ensure compliance of the above directions of the Hon'ble Supreme Court w.r.t registration of BS-IV Vehicles."

7.All that the Hon'ble Supreme Court had laid down was that if a transaction had actually taken place before



31.03.2020 and the details have been uploaded in E-Vaahan Portal of the Central Government, their registration cannot be denied. Therefore, the Transport Commissioner ought not to have introduced an additional requirement that tax and fees also should have already been paid. Likewise, Section 44 of the Motor Vehicles Act, 1988, states that the vehicle has to be produced only at the time of registration. There is no need to produce the vehicle in advance.

8.The petitioner's counsel states that as and when the registration formalities takes place, the petitioners are at liberty to produce the vehicle in question and tax is to be paid only at the time of registration.

9.Therefore, these writ petitions are disposed of with the following directions:-

(a) The respective purchasers of the petition mentioned vehicle shall produce the vehicle before the jurisdictional RTO and also to pay the life tax and other statutory dues.

(b) The purchasers will also produce materials to show that the sales had taken place on or before 31.03.2020 and that the sale details have also been uploaded in E- Vaahan Portal of the Central Government. The jurisdictional RTO will verify the same and if the facts turn out to be correct, shall accept the tax and fee and also register the vehicles.

(c) If the authority is of the view that the sale is not genuine, then, they will pass order to that effect and serve the same on the dealer/purchaser. In such an event, it would be open to the aggrieved party to question the same in the manner known to law.

(d) The jurisdictional RTO will confine his enquiry to whether the sale had actually taken place before 31.03.2020 and if it had been uploaded in E-Vahaan Portal or not. It is not open to RTO to deny the registration on the ground that tax and fees had not been already paid.

No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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

<https://hccs.courts.gov.in/tcsigners>



To

1.The Principal Secretary/Transport Commissioner,
Chepauk, Chennai-600 005.

2.The Registering Authority cum
Regional Transport Officer(TN-58), Madurai South.

3.The Registering Authority cum
Regional Transport Officer(TN-59), Madurai North.

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Regional Transport Officer (TN-64) Madurai Central.

5.The Registering Authority cum
Regional Transport Officer (TN-57), Dindigul.

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7.The Registering Authority cum
Regional Transport Officer(TN-94), Palani.

8.The Registering Authority cum
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(TN-58-Y)-Unit Office, Usilampatti.

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Motor Vehicles Inspector (Grade I),
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Regional Transport Officer (Tn-45), Trichy West, Trichy.

18. The Registering Authority Cum
Regional Transport Officer (Tn-48), Srirangam, Trichy.

19. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-48-Z) - Unit Office, Thuraiyur, Trichy District

20. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-48-Y) - Unit Office, Musiri, Trichy District

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(Tn-45-Z) - Unit Office, Manapparai, Trichy District

22. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-48-X) - Unit Office, Lalgudi, Trichy District

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Motor Vehicles Inspector (Grade I),
(Tn-81-Z) - Unit Office, Thiruverumbur, Trichy District.

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Regional Transport Officer (Tn-69), Tuticorin.

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Regional Transport Officer (Tn-72), Tirunelveli.

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Regional Transport Officer (Tn-95), Sivakasi.

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Regional Transport Officer (Tn-92), Thiruchendur



30. The Registering Authority Cum
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(Tn-47-X) - Unit Office, Manmangalam.

31. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-47-Y) - Unit Office, Aravakurichi.

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Motor Vehicles Inspector (Grade I),
(Tn-47-Z) - Unit Office, Kulithalai.

33. The Registering Authority Cum
Motor Vehicles Inspector (Grade I),
(Tn-67-W) - Unit Office, Aruppukkottai.

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Motor Vehicles Inspector (Grade I),
(Tn-69-Z) - Unit Office, Kovilpatti

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Motor Vehicles Inspector (Grade I),
(Tn-72-V) - Unit Office, Valliyur.

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Regional Transport Officer (Tn - 60) , Theni.

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45. The Registering Authority Cum
Regional Transport Officer (Tn-68), Kumbakonam.

46. The Registering Authority Cum
Regional Transport Officer (Tn-55), Pudukkottai.

47. The Registering Authority Cum
Regional Transport Officer (Tn-63), Sivagangai.

48. The Registering Authority Cum
Motor Vehicles Inspector (Grade-Ii),
(Tn-49-Y)-Unit Office, Pattukottai,.

49. The Registering Authority Cum
Motor Vehicles Inspector (Grade-I), (Tn-5-Y)-Unit Office, Iluppur.

50. The Registering Authority Cum
Motor Vehicles Inspector (Grade-I),
(Tn-55-Z)-Unit Office, Aranthangi.

51. The Registering Authority Cum
Motor Vehicles Inspector (Grade-I),
(Tn-63-Z)-Unit Office, Karaikudi.

+2 CC to M/s.S.GOVINDRAMAN, Advocate (SR-14855[F] dated
31/03/2021)

+1 CC to M/s.SPL GP (SR-15159[F] dated 01/04/2021)

W.P.(MD)Nos.5846, 5848, 5865, 5877 & 5869 of 2021
31.03.2021

SSS(CO)

TR(07.06.2021) 14P 55C