



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.07.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.6093 of 2021

Yaazhiniy Motors
Rep.through its partner,
M.Maheshkumar
Dindigul

... Petitioner

Vs.

1.The Regional Transport Officer,
Dindigul,
Dindigul District.

2.The Regional Transport Officer,
Battalagundu,
Dindigul District.

3.The Regional Transport Officer,
Uthamapalayam,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to issue certificate of registration by receiving the life tax to the petition mentioned vehicles which are sold within the cut off date fixed by the Hon'ble Apex Court in W.P (Civil)No.13029 of 1985 (M.C.Mehta Vs. Union of India and others), vide order dated 24.10.2018.

For Petitioner	:	Mr.S.Sarvagan Prabhu
For Respondents	:	Mr.S.Shanmugavel Govt.Advocate

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to issue certificate of registration receiving the life tax to the petition mentioned vehicles which are sold within the cut off date fixed by the Hon'ble Supreme Court in W.P(Civil)No.13029 of 1985 (M.C.Mehta Vs. Union of India and others), vide order dated 24.10.2018.

2.The grievance of the petitioner is that the petitioner is engaged in buying and selling of motor-cycles. The petitioner had sold the petition mentioned vehicles, which are not BS-IV compliant. The petitioner's grievance is that the respondents have not registered the said vehicles.



3. The learned counsel appearing for the petitioner would submit that the sales in respect of the vehicles in question had taken place prior to the cut off date viz., 31.03.2020, stipulated by the Hon'ble Supreme Court. The learned counsel, in support of his contention, invited the attention of this Court to the Judgment of the Hon'ble Supreme Court, dated 13.08.2020 in ***W.P(Civil)No.13029 of 1985) (M.C.Mehta Vs. Union of India and others)***. In the said order, the Hon'ble Supreme Court has held that they have allowed registration of such vehicles which could not be registered during the time of March, 2020. The petitioner would state that he has given a representation in this regard, which is also not considered till date.

4. The learned Government Advocate appearing for the respondents would submit that the petitioner's representation dated 04.02.2021 will be considered within the time frame to be stipulated by this Court.

5. The Court heard the submissions made by the learned counsels appearing on either side and perused the materials available on record.

6. Though the petitioner has come with a larger prayer, he would state that it would suffice, if the representation of the petitioner is directed to be considered within a time to be stipulated by this Court.

7. Considering the submissions made by the learned counsel appearing for the petitioner as well as the respondents, without advertent to the merits of the case, the respondents are directed to dispose of the representation of the petitioner, dated 04.02.2021, on merits, and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

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.

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



To

1.The Regional Transport Officer,
Dindigul,
Dindigul District.

2.The Regional Transport Officer,
Battalagundu,
Dindigul District.

3.The Regional Transport Officer,
Uthamapalayam,
Theni District.

4.The Regional Transport Officer,
Madurai North, K.Pudur,
Madurai District.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-24530[F] dated
29/07/2021)

+1 CC to M/s.SPL GP (SR-24733[F] dated 30/07/2021)

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KS(CO)

KB(11.08.2021) 3P 7C