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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.2862 of 2022

State Lorry Owners Federation - Tamilnadu,  
Regn No.60/87, (Affiliated to AIMTC - Delhi),  
87, Salem Road,  
Namakkal - 637 001.  
Represented by its President,  
M.R.Kumarasamy

.. Petitioner

Vs.

The Principal Secretary - Cum -  
The Transport Commissioner,  
State Transport Authority,  
Chepauk,  
Chennai - 600 005.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent herein to direct the Regional Transport officers in the State of Tamilnadu to approve the vehicles fitted with any AIS:090 standard reflective tapes as approved by any of the testing agencies specified under Rule 126 of the Central Motor Vehicles Rules, 1989 while seeking for approval / renewal of the fitness certificate without insisting for a "Fitment Certificate" from the approved vendors.

For Petitioner : Mr.M.R.Thangavel

For Respondents: Mr.K.Karthik Jagannath  
Government Advocate

O R D E R

This Writ Petition is filed for issuance of writ of Mandamus, directing the respondent herein to direct the Regional Transport officers in the State of Tamilnadu to approve the vehicles fitted with any AIS:090 standard reflective tapes as approved by any of the testing agencies specified under Rule 126 of the Central Motor Vehicles Rules, 1989 while seeking for approval / renewal of the fitness certificate without insisting for a "Fitment Certificate" from the approved vendors.



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2.By consent of both the learned counsel appearing for the petitioner as well as Mr.K.Karthik Jagannath, learned Government Advocate who takes notice for the respondent, this Writ Petition is taken up for final hearing at the admission stage itself.

3.According to petitioner, every owner of registered transport vehicle is required to obtain a Certificate of Fitness in Form-38 under Rule 62 of the Central Motor Vehicles Rules, 1989. At the time of renewal of fitness certificate, the inspecting officer has to verify whether the vehicle is fitted with a reflective tape as per Rule 104 of Central Motor Vehicles Rules. According to petitioner, there are 7 approved manufacturers by the testing agencies like ARAI, Pune, VRDI, Ahmednagar, CIRT, Pune & ICAT, Manesar (Haryana). Out of 7 approved manufacturers, M/s. 3M India Limited, Chennai and M/s. Avery Dennison (India) Pvt. Ltd, Bangalore were authorized by the respondent and issued two circulars dated 23.07.2020 and 03.08.2020. The petitioner filed three Writ Petitions in W.P.Nos.14881, 14883 & 16920 of 2020 challenging the said circulars dated 23.07.2020 & 03.08.2020. This Court by the order dated 31.03.2021, dismissed all the three Writ Petitions. After dismissal of Writ Petitions, the respondent issued a circular dated 07.04.2021 to follow the earlier circulars dated 23.07.2020 & 03.08.2020. In view of the circular issued by the respondent, the vehicle owners have to submit the fitment certificate from the manufacturer or dealer of the reflective tape. The Regional Transport Officers in the State of Tamilnadu are entertaining the application for issuance / renewal of fitness certificate for the vehicles fitted with the approved Retro Reflective Tapes purchased only from M/s. 3M India Limited, Chennai and M/s. Avery Dennison (India) Pvt. Ltd, Bangalore. The Regional Transport Officers in the State of Tamilnadu are not entertaining the Retro Reflective Tapes purchased from other approved manufacturers. Hence, the petitioner has sent a representation to the respondent to issue a direction to the Regional Transport Officers in the State of Tamilnadu to approve the vehicles fitted with any AIS:090 standard reflective tapes while seeking for approval or renewal of fitness certificate without insisting for 'Fitment Certificate' from the approved vendors. The respondent has not passed any order on the representation sent by the petitioner. Hence, the petitioner has come out with the present Writ Petition.

4.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondent and perused the entire materials on record.



5.From the above materials, it is seen that the Central Government has approved 7 manufacturers of Retro Reflective Tapes including M/s. 3M India Limited, Chennai and M/s. Avery Dennison (India) Pvt. Ltd, Bangalore. The Regional Transport Officers in the State of Tamilnadu are insisting that vehicle owners must purchase Retro Reflective Tapes only from M/s. 3M India Limited, Chennai and M/s. Avery Dennison (India) Pvt. Ltd, Bangalore. In such circumstances, the petitioner has given a representation dated 16.09.2021 to the respondent to permit the lorry owners to purchase the Retro Reflective Tapes from any one of the manufacturers as approved by the Central Government.

6.Considering the above materials and contention of the learned counsel appearing for the petitioner that there are 7 approved manufacturers available, the respondent is directed to consider the representation of the petitioner dated 16.09.2021 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-  
Assistant Registrar

//True copy//

Sub Assistant Registrar

krk

To

The Principal Secretary - Cum -  
The Transport Commissioner,  
State Transport Authority,  
Chepauk,  
Chennai - 600 005.

+1cc to Mr.C.Anbu, Advocate SR.No.10464

+1cc to Government Pleader SR.No.11613

W.P.No.2862 of 2022

KK (CO)  
GMY (07/03/2022)