



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.617 of 2022

M.P.Prithivirajan

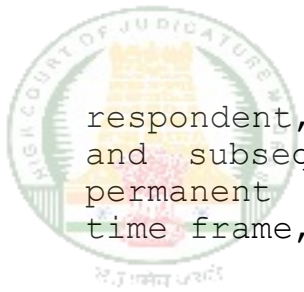
... Petitioner

Vs.

- 1.The Commissioner of Transport,
O/o.The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai-600 005.
- 2.The Deputy Commissioner of Transport-I,
O/o. The Deputy Commissioner of Transport-I,
Ezhilagam, Chepauk,
Chennai-600 005.
- 3.The Regional Transport Officer (Central),
The Regional Transport Office (Central),
Industrial Estate, K.Pudur,
Madurai Central,
Madurai.
- 4.The State Information Officer,
National Information Centre (NIC),
Government of India,
Ministry of Electronics and Information Technology,
Tamil Nadu State Centre,
E-Wing, I Floor, Rajaji Bhavan,
Besant Nagar,
Chennai-600 090.
- 5.The Regional Transport Office,
Coimbatore.
(*Suo muto* impleaded by this Court
vide order dated 15.02.2022)

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1, 2 and 4 to remove the hurdle in Vahan-4 software regarding the permanent registration of the petitioner's vehicle, Audi A3 35 TDP BS IV Vehicle, bearing temporary registration No.TN 66 JTR 8272 in the light of the repeated letters of the third



respondent, dated 04.02.2021, 16.02.2021, 16.06.2021 and 30.09.2021 and subsequently to direct the third respondent to issue the permanent registration to the said petitioner's vehicle within a time frame, as fixed by this Court.

For Petitioner : Mr.P.Santhana Krishnan
For R1 to R3 : Mr.S.Shaji Bino
Special Government Pleader
For R4 : M/s.L.Victoria Gowri
Assistant Solicitor General of India

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The case of the petitioner is that the petitioner had purchased Audi A3 35 TDP BS IV from a dealer in Coimbatore in the year 2017 and at the time of purchase of vehicle, the petitioner had obtained a temporary registration under Section 43 of the Motor Vehicles Act, 1988. The registration was valid for a period of one year, till 09.01.2018. The petitioner, however, failed to take steps to get the permanent registration within a period of one year. Later, the petitioner approached the third respondent and offered to pay a late payment fee of Rs.3,67,547/- towards the registration of the vehicle.

3. The learned counsel for the petitioner submits that despite the petitioner offering and paying the aforesaid amount, the respondents have not given a permanent registration certificate for the vehicle to the petitioner. The learned counsel for the petitioner further submits in the temporary registration certificate the name of the vehicle has been wrongly typed as Volkswagen India Private Limited. It is submitted that the vehicle was hypothecated to HDFC Bank limited in Madurai. The learned counsel for the petitioner further submits that this mistake in the name of the manufacturer can be rectified at the end of the respondents 1 and 2 manually by using a password for issuing permanent registration certificate to the petitioner.

4. The learned counsel for the respondents 1 to 3 submits that this is a software issue which has been handled only at the end of the fourth respondent. It is submitted that if appropriate changes are made in the software, certificate will be issued. The learned counsel for the fourth respondent, on instructions, submits that the mistake has arisen at the time of issue of temporary certificate of registration on 11.12.2017, at the end of the fifth respondent, who has been impleaded *suo muto* today. It is submitted that the fifth



respondent, namely, the Regional Transport Office, Coimbatore, ought to have used vahan 4.0 version which issued the temporary certificate of registration. Instead vahan 1.0 was issued by the fifth respondent. It is submitted that if the temporary certificate of registration was issued in vahan 4.0, the permanent certificate of registration could have been granted by the third respondent.

5. The issue arising out of mistake whether by the third respondent or by the fifth respondent is an internal matter of the Regional Transport Department. A purchase of a vehicle cannot be made to run from pillar to post for getting a permanent registration if such purchaser has paid the amount and cured the defect. All internal matter has to be sorted out between the official respondents herein.

6. Considering the same, I direct the respondents 3 and 5 to take appropriate steps to facilitate issue of permanent registration certificate to the petitioner within a period of four weeks from the date of receipt of copy of this order. The Writ Petition is disposed of with the above observations. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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

1.The Commissioner of Transport,
O/o.The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The Deputy Commissioner of Transport-I,
O/o. The Deputy Commissioner of Transport-I,
Ezhilagam, Chepauk,
Chennai-600 005.

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



3.The Regional Transport Officer (Central),
The Regional Transport Office (Central),
Industrial Estate, K.Pudur,
Madurai Central,
Madurai.

4.The State Information Officer,
National Information Centre (NIC),
Government of India,
Ministry of Electronics and Information Technology,
Tamil Nadu State Centre,
E-Wing, I Floor, Rajaji Bhavan,
Besant Nagar,
Chennai-600 090.

5 The Regional Transport officer,
Coimbatore.

+1 CC to M/s.SPL GP (SR-6796[F] dated 17/02/2022)

W.P (MD) .No. 617 of 2022
15.02.2022

MK(05.03.2022) 4P 7C