



W.P. (MD) No. 1435 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 1435 of 2021

and

W.M.P. (MD) No. 1235 of 2021

V.Rengarajan

... Petitioner

Vs.

1.Union of India,
Ministry of Road Transport and Highways,
C-1-A, Rajaji Bhavan,
Besant Nagar,
Chennai - 600 090.

2.State of TamilNadu,
Represented by Secretary to the Government,
Transport Department,
Fort St.George,
Chennai - 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the Respondents to register the BS -IV certified motor vehicles sold by the Petitioner on or before 31.03.2020, upon verification of the Petitioner's invoices of the sale transactions along with other relevant information and documents required for punching and



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uploading on e-Vahan Portal for the purposes of registration of the BS - IV certified motor vehicles detailed in the accompanying affidavit.

For Petitioner : Mr. S.Venkatasubramaniyan
For Respondents : Mr. D.Gandhiraj (R2)
Special Government Pleader

ORDER

Heard Mr. S.Venkatasubramaniyan, Learned Counsel for the Petitioner, Mr. D.Gandhiraj, Learned Special Government Pleader appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has sought for a direction to the Respondents to register the BS - IV certified motor vehicles sold by him on or before 31.03.2020, upon verification of his invoices of the sale transactions along with other relevant information and documents required for punching and uploading on e-Vahan Portal for the purposes of registration of the BS - IV certified motor vehicles detailed in the affidavit accompanying the Writ Petition.



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3. It has been brought to notice by Learned Special Government Pleader appearing for the Second Respondent that registration of BS-IV vehicles in this case could not be made after 31.03.2020 in view of the order dated 27.03.2020 in I.A. Nos. 45883, 45912 and 48113 of 2020 in Writ Petition (Civil) No. 13029 of 1985 passed by the Hon'ble Supreme Court of India, in which it has been held as follows:-

“It is stated by Mr. K.V. Vishwanathan, learned senior counsel appearing on behalf of the applicant/Federation of Automobile Dealers Association that 1,05,000 two-wheelers, 2250 passenger cars and 2000 commercial vehicles are there which have been sold but not registered through out India. Unsold vehicles are stated to be 7,00,000 two wheelers, 15,000 passenger cars and 12,000 commercial vehicles.

With the consent of Mr. A.N.S. Nadkarni, Learned Additional Solicitor General and Mr. K.V. Vishwanathan, Learned Senior Counsel, it is ordered that sold vehicles be registered by the concerned



authorities by 30.04.2020. However, at the same time we direct the applicant to furnish details of the purchasers, on affidavit, of the aforesaid vehicles through e-mail, within seven days from today. Details of registration shall also be furnished to this Court.

With respect to unsold vehicles as the manufacturer should have been ready because of deadline set for BS-VI compliant vehicles, there is no justification to extend the time which was fixed long time ago. This is not something new which has occurred, it would be further injurious and further burden on human health to be caused by pollution of BS-IV vehicles when BS-VI vehicles are supposed to be produced by the manufacturers well in advance considering the deadline of 31st March, 2020.

It is stated that there are 7,00,000 two-wheelers which are unsold through out India with different dealers. Similarly, passenger vehicles are 15,000 and commercial vehicles are 12,000. In Delhi and NCR region, we are not allowing sale and registration of these kind of vehicles any more. However, in the remaining part of the country, due to the situation which has arisen due to lockdown, it is ordered that not



beyond 10% of the vehicles, except with the Dealers in Delhi and NCR region, are permitted to be sold out of the aforesaid number of vehicles to make up the good of six days which were available before the lock-down has been ordered in the country. Details of the sale shall be furnished by the applicant and there shall be no violation of the order passed by this Court. Sales to be done within ten days of the lifting of the lock-down operating in the concerned cities and not beyond it and on an affidavit number of vehicles sold shall be stated by the applicant/Federation of Automobile Dealers Association and only those vehicles shall be permitted to be registered about which affidavit is filed. If out of the vehicles which are permitted to be sold some of them remain unsold then obviously there is no question of any further extension of time for sale of these kind of vehicles. Particulars shall be given on an affidavit with engine and chassis numbers by the applicant/Federation of Automobile Dealers Association of the sale of vehicles before the registration is made, within seven days of the sale.”

It is further stated that by another order dated 09.04.2021 in Writ Petition (Civil) No. 13029 of 1985, the Hon'ble Supreme Court of India had passed



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orders relating to certain specific BS-IV compliant vehicles, and the Petitioner could seek necessary orders only from the Hon'ble Supreme Court of India for the same.

4. Learned Counsel for the Petitioner contends that by subsequent orders in I.A. Nos. 136354 and 136893 of 2021, dated 06.04.2022, the Hon'ble Supreme Court of India has permitted the applicant to withdraw the application with liberty to file a fresh application before the concerned High Court.

5. It is made clear that if the Petitioner wants to obtain any order for registration of BS-IV complaint vehicles after 31.03.2020, he has to move only before the Hon'ble Supreme Court of India and depending upon its outcome, he would have to work out his remedies, but it is not possible for this Court at this stage to grant any relief as sought by the Petitioner in the Writ Petition.



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No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No

Internet : Yes/No

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P.D.AUDIKESAVALU,J.

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