



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) .No.9367 of 2022

C.Pandian

... Petitioner

vs.

1.The Regional Transport Officer (RTO)
O/o. Regional Transport Office,
Pudukkottai District.

2. The Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi,
Pudukkottai District.

3. The Regional Transport Officer,
Regional Transport Office,
Sivagangai.

... Respondents

(R3 *suo moto* impleaded as per the order
of this Court, dated 06.05.2022.)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the second respondent to release the new SWARAJ 843 XM TRACTOR along with its Tipping Trailer bearing registration No.Nil and it's respective Engine No. and Chassis No.is RLJ2KGA6654 & MBNAS49AFLTP48062 within a time stipulated by this Court.

For Petitioner : Mr.S.Muthumalai Raja

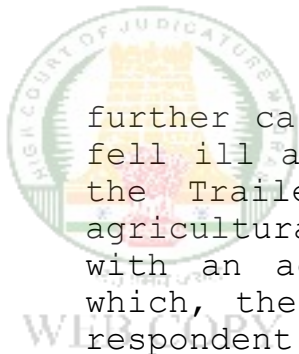
For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader

O R D E R

This writ petition is filed for a Mandamus directing the second respondent to release the new SWARAJ 843 XM Tractor along with its Tipping Trailer bearing Engine No. and Chassis No.RLJ2KGA6654 & MBNAS49AFLTP48062.

2. It is the case of the petitioner that he purchased the aforesaid new Tractor and Trailer on 24.02.2021. The invoice of the dealer viz., Boomika Motors, dated 24.02.2021 and the delivery challan dated 18.02.2021 are produced before this Court. It is the



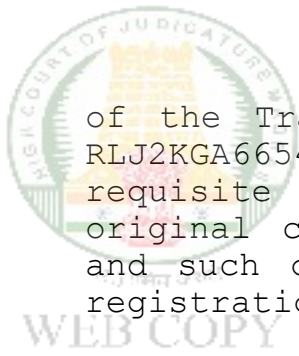
further case of the petitioner that immediately after purchasing he fell ill and therefore, he did not register the Tractor as well as the Trailer, however was using the Tractor and Trailer for agricultural purposes. Unfortunately, on 31.03.2022, the Tractor met with an accident by hitting against TVS 50 Moped in respect of which, the case is registered in Crime No.71 of 2022 by the second respondent viz., the Inspector of Police, Ponnamaravathi Police Station, for the alleged offences under Sections 279 r/w. 337 of I.P.C and upon noticing that the vehicle is also not registered, the second respondent after seizing the vehicle has produced the same before the first respondent for inspection and after inspection report, the first respondent has entrusted the safe custody of the vehicle back to the second respondent. It is the further case of the petitioner that the petitioner is ready to pay whatever the penalty and register the vehicle and also comply with such conditions that may be imposed on him for safe custody of the vehicle pending investigation of the criminal case.

3. The learned Additional Government Pleader took notice and after instructions submits that as per Rule 47 of the Tamil Nadu Motor Vehicles Rules, within seven days from taking delivery of the vehicle the petitioner is duty bound to register the same. However, he has miserably failed and defaulted in registering the vehicle. Only after the vehicle was involved in the accident, the said factum could be unearthed by the respondents. He would further submit that at this juncture, without registration of the vehicle, there is no question of handing over the tractor and the trailer back to the petitioner. According to the learned counsel, Rule 98 of the Tamil Nadu Motor Vehicle Rules provides for the penalty for non-registration. As per Section 41(11) r/w. 41(13) of the Motor Vehicles Act 1988, now the petitioner can make an application by producing insurance policy and other documents before the jurisdictional Regional Transport Officer which would be the Regional Transport Officer, Sivagangai who is already impleaded by this Court as the third respondent.

4. Upon filing of such an application, the third respondent will deal with the same in accordance with law and will register the vehicle after imposing the penalty applicable as per the Rules. Thereafter, the first respondent authority can consider releasing the vehicle subject to the further investigation in the criminal case and upon such release order, the second respondent will impose such conditions and entrust the custody of the vehicle back to the petitioner.

5. In view of the submissions made by both sides learned counsel, I am inclined to dispose of this Writ Petition on the following terms:-

(i) Within one week from the date of receipt of a copy of this order the petitioner shall duly make an application for registration



of the Tractor and Trailer bearing Engine No. and Chassis No. RLJ2KGA6654 & MBNAS49AFLTP48062 in the applicable format along with requisite fees and relevant documents including address proof, original challan for purchase, insurance policy, delivery challan and such other documents including affidavit for the purpose of registration before the third respondent.

(ii) Upon receipt of the said application, the same shall be processed and considered by the third respondent in accordance with law and the third respondent shall complete the process of registration by duly levying penalty and also launching prosecution, if necessary, as per the law and after registration, consider the claim of the petitioner to release the vehicle back to him and pass an order thereon and communicate the same to the second respondent;

(iii) Upon receipt of such order from the third respondent, the second respondent shall consider and release the Tractor and Trailer in accordance with law by duly imposing such conditions as may be necessary for the purposes of the criminal case under investigation;

(iv) In the meanwhile, for the purposes of registration or inspection if necessary, the second respondent shall arrange for producing the vehicle/Trailer before the third respondent and the charges if any for the same shall be borne by the petitioner.

(v) There shall be no order as to costs.

Sd/-

Vacation Officer/
Assistant Registrar (Records)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

akv/ebsi

To

1.The Regional Transport Officer (RTO)
O/o. Regional Transport Office,
Pudukkottai District.

2. The Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi,
Pudukkottai District.



3. The Regional Transport Officer,
Regional Transport Office,
Sivagangai.

+1 CC to M/s.S. MUTHUMALAI RAJA, Advocate (SR-23572[F]
dated 09/05/2022)

+1 CC to M/s.SPL.GP (SR-23589[F] dated 09/05/2022)

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06.05.2022

CK (CO)

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