



W.P. (MD) No. 24291 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

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C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 24291 of 2022

M/s.Vijay Auto Agencies
Rep. by its Partner,
D.Aravinth Ponprabhu.

... Petitioner

Vs.

1.The Regional Transport Officer,
Vadakku Valliyoor, Valliyoor,
Tirunelveli District - 627 117.

2.Commissioner of Transport,
Board of Revenue, Ezhilagam,
Chepauk, Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to register the Hero Motor Cycles with Chassis Nos. MBLHAW 087 KHGA 6861, MBLHAW 086 KHM87671, MBLHAW 081 LHA 71399, MBLHAW 158 LHB 09473, MBLHAW 08 XLHA 62958 which were sold on 24/03/20 and 29/03/20 after necessary verification by considering the representation of the petitioner dated 06/09/22.



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For Petitioner : Mr. G.Prabhu Rajadurai
For Respondents : Mr. K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard Mr. G.Prabhu Rajadurai, Learned Counsel for the Petitioner, Mr. K.S.Selvaganesan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. This Writ Petition has been filed directing the Respondents to register the Hero Motor Cycles with Chassis Nos. MBL HAW 087 KHGA 6861, MBL HAW 086 KHM 87671, MBL HAW 081 LHA 71399, MBL HAW 158 LHB 09473, MBL HAW 08 XLHA 62958, which were sold on 24/03/20 and 29/03/20, after necessary verification by considering the representation dated 06.09.2022 made by the Petitioner in that regard.

3. It has been brought to notice by Learned Additional Government Pleader appearing for the Respondents that registration of BS-IV vehicles in



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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.



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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 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.



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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, they have to move only before the Hon'ble Supreme Court of India and depending upon its outcome, they would have to work out their 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.

In fine, the Writ Petition is dismissed with the aforesaid clarifications. Consequently, connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No
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Note: Issue order copy by 24.01.2023.

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- To
- 1.The Regional Transport Officer,
Vadakku Valliyoor, Valliyoor,
Tirunelveli District - 627 117.
 - 2.Commissioner of Transport,
Board of Revenue, Ezhilagam,
Chepauk, Chennai - 600 005.



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P.D.AUDIKESAVALU, J.

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