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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.12365 of 2023

A.Kannan

Petitioner

vs.

1.The State Transport Authority,
Transport Department,
Ezhilagam,
Chennai – 600 005.

2.The Regional Transport Authority,
Dharmapuri Taluk,
Dharmapuri.

3.The Regional Transport Officer,
Regional Transport Office,
Dharmapuri District.

4.The Motor Vehicle Inspector Grade-I,
Regional Transport Office,
Harur,
Dharmapuri District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent herein to release the Petitioner's vehicle Toyota etios GT car bearing Registration Number TN-22-DH-4769 to the petitioner forthwith based on his representation dated 27.02.2023.



For Petitioner : Mr.S.Mohammed Abbas
For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition came up for admission on 21.04.2023 and this Court disposed of the writ petition on the same day after hearing both sides by relying upon the earlier order passed in W.P.No.7322 of 2023, dated 20.04.2023. When the order copy was put up for signature, I found that the present writ petition has certain additional facts to be considered and it is not entirely covered by the earlier orders passed in the above writ petition. In view of the same, I directed the writ petition to be posted under the caption 'For Being Spoken to' today and accordingly, the matter stands posted for further hearing.

2.The writ petition was filed for the issue of writ of mandamus directing the 3rd respondent to release the vehicle bearing Registration No.TN-22-DH-4769 to the petitioner based on the representation dated 27.02.2023. According to the petitioner, the vehicle was seized and was kept in the office of the 3rd respondent. The Vehicle Inspection Record that was served on the petitioner shows that the vehicle was seized for various reasons. The Vehicle Inspection Record shows that the petitioner has not paid the requisite road tax and



additional special tax for the vehicle. That apart, the vehicle of the petitioner has also been blacklisted on the ground that it has been fraudulently registered in spite of the vehicle falling under the category of BS-IV.

3.The petitioner has made a representation on 27.02.2023, expressing his willingness to pay all the tax dues and has requested the release of the vehicle. This representation was not considered and the same has impelled the petitioner to file the present writ petition.

4.The learned Additional Government Pleader appearing on behalf of the respondents submitted that even if the petitioner pays the tax dues, the vehicle cannot be released since it has been blacklisted on the ground that the same was fraudulently registered in spite of the vehicle falling under the category of BS IV.

5.In the considered view of this Court, the payment of the tax dues by the petitioner will not automatically result in the vehicle being released since the subject vehicle has been blacklisted. The vehicles which are blacklisted and have been seized are kept in the custody of the concerned Regional Transport Office. When similar writ petitions were filed before this Court, this Court



passed orders directing the vehicles to be handed over to the concerned owner subject to certain stringent conditions. The question of the payment of tax dues will not arise if the vehicle itself has been fraudulently registered. Hence, the case of the petitioner must also be dealt with in the same manner and similar directions must be issued as was done in the earlier writ petitions.

6. In the light of the above discussion, this Court is inclined to permit the petitioner to take custody of the vehicle bearing Registration No. TN-22-DH-4769 subject to the following conditions:

- a) The petitioner is directed to give an undertaking before the concerned RTO that the car will be kept in the residence and it will not be put to use at any point of time.
- b) The petitioner shall surrender the original RC book and also the original insurance policy to the concerned RTO.
- c) The petitioner shall attend the enquiry conducted by the RTO or any other authority and shall co-operate in providing the details as to the person from whom the car was purchased, the amount that was given etc. The



petitioner is permitted to take back the car only on the strict compliance of this condition.

- d) The petitioner shall submit a monthly report before the concerned RTO reiterating that the vehicle has not been put to use and that the undertaking given at the time of taking custody of the car is strictly complied with.
- e) The vehicles that have been fraudulently registered have been identified and the Registration Numbers are already available with the authorities. Hence, there shall be a direction to the 1st respondent to send the details of these vehicles to all the Police Stations through the Superintendent of Police / Commissioner of Police and the Traffic Police shall ensure that the vehicles which are yet to be seized are seized and handed over to the concerned RTO office. There shall be a perfect co-operation between the Transport Commissioner and the Police officials in this regard.
- f) There shall be a direction to identify all the accused persons who are involved in this racket and proceed further with the investigation and complete the same, as expeditiously as possible and



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g) The Director General of Police, Tamil Nadu shall issue a circular to all the Police Stations concerned in Tamil Nadu to ensure that not a single vehicle which falls under the category of BS IV which has been fraudulently registered is allowed to ply in the roads and any vehicle falling under this category can be seized and it shall be handed over to the concerned RTO office. A copy of this order shall also be marked to the Director General of Police, Tamil Nadu in this regard.

7.This writ petition is disposed of with the above directions. No Costs.

01.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2.The State Transport Authority,
Transport Department,
Ezhilagam,
Chennai – 600 005.



3. The Regional Transport Authority,
Dharmapuri Taluk,
Dharmapuri.

4. The Regional Transport Officer,
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N. ANAND VENKATESH, J.

SSR

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