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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.14005 of 2023

S.Sritharan

Petitioner

vs.

1.The Transport Commissioner,
Home (Transport) Department,
Government of Tamil Nadu,
Ezhilagam II Floor,
Chepauk, Chennai – 600 005.

2.The Regional Transport Authority,
Regional Transport Office,
Namakkal South,
Namakkal District.

3.The Motor Vehicle Inspector Grade-I,
Regional Transport Office,
Unit Office, Paramathi Velur,
Namakkal South,
Namakkal District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to release the car “Hyundai EON - TN 22 DM 4175” bearing registration number “TN22DM4175” to the Petitioner which has been seized on 30.09.2022 and keeping under the custody of the 2nd Respondent.



For Petitioner : Ms.J.Malathi

For Respondents : Mr.A.M.Ayyathurai
Government Advocate

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to release the vehicle belonging to the petitioner bearing Registration No.TN 22 DM 4175 by considering the representation/reply given by the petitioner to the 2nd respondent on 20.02.2023.

2.The case of the petitioner is that he purchased the subject car and the appropriate application was submitted before the 2nd respondent and the ownership was transferred to the name of the petitioner on 20.03.2018. The further case of the petitioner is that the 3rd respondent inspected the car on 30.09.2022 and after verifying the certificates, straight away seized the car and the car was taken away and was kept in the custody of the 2nd respondent. A Vehicle Inspection Record was also served on the petitioner by pointing out certain deficiencies.

3.A Show Cause Notice dated 12.01.2023, came to be issued by the 3rd respondent by pointing out certain irregularities and one such irregularity that



was pointed out was that there is a fraudulent registration of the vehicle which fell under the category of BS IV. On receipt of the same, the petitioner gave a representation/reply dated 20.02.2023 and inspite of the receipt of the same, there was no response and hence, the present writ petition has been filed before this Court.

4.Heard Ms.J.Malathi, learned counsel appearing on behalf of the petitioner and Mr.A.M.Ayyathurai, learned Government Advocate appearing on behalf of the respondents.

5.In the present case, the main issue that is involved is regarding fraudulent registration of the vehicle which fell within the BS IV category. Without this issue being resolved, the payment of any tax dues or any other charges by the petitioner will be of no avail. Hence, this writ petition has to be disposed of in the same manner in which the other connected writ petitions were disposed of.

6.In the light of the above discussion, this Court is inclined to permit the petitioner to take custody of the car bearing Registration No.TN 22 DM 4175 subject to the following conditions:



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- 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.

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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
- 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.

**N. ANAND VENKATESH, J.**

SSR

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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 Transport Commissioner,
Home (Transport) Department,
Government of Tamil Nadu,
Ezhilagam II Floor,
Chepauk, Chennai – 600 005.
- 3.The Regional Transport Authority,
Regional Transport Office,
Namakkal South,
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