



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18928 of 2023

M.Balakrishnan

... Petitioner

vs.

1. The Transport Commissioner,
Home (Transport) Department,
Government of Tamil Nadu,
Ezhilagam, 2nd Floor,
Chepauk, Chennai 600 005.
2. The Deputy Transport Commissioner,
Regional Transport Office (East),
Karuru Bye Pass Road,
Lakkapuram, Post, Erode - 638 002
3. The Regional Transport Officer,
Erode East, Erode District.
4. The Motor Vehicles Inspector Gr-I,
Regional Transport office, Erode (East),
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of

India for issuance of a Writ of Mandamus directing the 2nd respondent



to dispose of the appeal dated 17.05.2023 submitted by the petitioner against the order of the cancellation of Registration of vehicle bearing Registration No.TN-99-J-9899 “Reault Duster RXS D”.

For Petitioner : Mr.T.Sundaramurthy
For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 2nd respondent to dispose of the appeal dated 17.05.2023 within the time limit fixed by this Court and for a direction for releasing the vehicle, which is now in the custody of the 3rd respondent.

2. When the matter was taken up for hearing, the learned Government Advocate appearing on behalf of the respondents submitted that the appeal that was filed by the petitioner was rejected through proceedings dated 23.06.2023. In view of the same, it was contended that nothing survives in this writ petition.



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3. The issue that is involved in this case pertains to the vehicle that was registered in the name of the petitioner which falls under the BSIV category. The petitioner claims that he has recently purchased the vehicle through a broker and he was not aware of the fact that there was some illegality in the registration of the vehicle. That apart, the 3rd respondent had ceased the vehicle belonging to the petitioner on 01.10.2022 and the vehicle is now lying in the office of the 3rd respondent exposed to sun and rain.

4. Heard Mr.T.Sundaramurthy, learned counsel for the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate for respondents.

5. The issue involved in the present writ petition is covered by the earlier directions issued by this Court in writ petitions wherein the petitioners therein had approached this Court with a similar relief. Those directions will apply to the petitioner also and this Writ petition can be disposed of in terms of those directions :-



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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.



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- 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
- g) The Director General of Police, Tamil Nadu shall issue a



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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.

No costs.

26.06.2023

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

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To

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N. ANAND VENKATESH, J.
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