IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26244 of 2023

R.Anandakumar ... Petitioner

vs.

1.The Principal Secretary/Transport Commissioner,
Chepauk, Chennai – 600 005.

2.The Registering Authority cum
Regional Transport Officer (TN-78),
Eliyamuthur Road,
Opposite Government Arts College,
Udumalpet – 642 126. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permanently register the Innova Crysta 2.4Z bearing temporary registration number TN38CHT0681 by considering petitioner representation dated 08.07.2022 within a fixed time frame.

For Petitioner : Ms.Rebecca Vasanthini Percy
for Mr.R.Kannan

For Respondents : Mr.N.Naveenkumar
Government Advocate

O R D E R

The writ petitioner seeks a direction to the respondents to permanently register his Innova Crysta 2.4Z with temporary Registration No.TN38CHT0681 by considering the petitioner's representation dated 08.07.2022 within a time fixed by this Court.

2. It is seen from the affidavit that the petitioner had purchased a new Innova Crysta 2.4Z on 31.01.2017 and the said vehicle was temporarily registered before the Assistant Registering Authority, Coimbatore (North) with Temporary Registration No. TN38CHT0681 on 07.02.2017. Thereafter, the petitioner submitted an online application for permanent registration of the vehicle before the 2nd respondent and he paid the road tax of Rs.2,99,553/- on 08.09.2020 and he also paid the penalty amount of Rs.2,59,476/- on 11.09.2020. However, the vehicle of the petitioner has not been registered till date by the 2nd respondent. The respondents are declining to register vehicle on the ground that the petitioner's vehicle is a BS-IV Model and therefore, the same cannot be registered after cut-off date namely 31.03.2020.

3. The learned counsel appearing for the petitioner submitted that in respect of BS-IV vehicles, which were purchased prior to 31.03.2020 and the details of the same has already been uploaded in E-Vaahan Portal, there may not be any difficulty for the respondents to register the vehicle.

4. The learned Government Advocate appearing for the respondents submits that though the petitioner purchased the vehicle on 31.01.2017 and got temporary registration from 07.02.2017 to 02.03.2017, he failed to complete the permanent registration of the vehicle before the cut-off date for permanent registration of BS-IV Vehicle, namely 31.03.2020. The petitioner applied for permanent registration through online on 01.02.2017. However, he failed to pay the tax for new registration of the Vehicle before cut-off date. The learned Government Advocate has also drawn the attention of this Court to the order passed by the Hon'ble Apex Court in ***M.C. Mehta vs. Union of India and others*** in Writ Petition(s)(Civil) No.13029 of 1985 dated 13.08.2020, wherein the Hon'ble Apex Court held that the Vehicles which have been already uploaded in E-Vaahan Portal and the regular registration could not be done due to the lockdown period alone are to be permitted to register subsequent to the date namely 31.03.2020.

5. In ***M.C. Mehta vs. Union of India and others*** while considering the registration of the Vehicles which were purchased prior to cut-off date namely 31.03.2020, the Hon'ble Apex Court observed as follows:-

> *"The order passed by this Court on 24.10.2018 is clear that sale and registration of BS-IV vehicles shall not be allowed after 31.03.2020. We cannot allow the registration of such vehicles, sales of which were not uploaded on E-Vaahan Portal of the Central Government or the portal of the concerned State Government.*
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> *There are still stated to be a large number of sales which have been made and uploaded on the E-Vaahan Portal, even temporary registrations were made. Their registration during the lockdown period could not be made. Hence, we allow registration of such vehicles only which could not be registered during lockdown in the month of March, 2020 and for no other reason.* (emphasis supplied) *However, the position of Delhi and NCR is different. We clarify our order dated 27.03.2020 to the effect that no registration of BS-IV vehicles is to be made in Delhi and NCR as people are suffering from severe air pollution and the order passed by this Court in 2018 was clear. No vehicle of BS-IV in Delhi and*

NCR to be registered.

We order that in the Delhi and NCR, no registration of the vehicles of BS-IV is to be made after 31.03.2020.

This order is for the rest of the country and only due to lockdown, not to be used for any other purpose/reason and for registration of other vehicles of which registration was not done for any other reason."

6. A reading of the above order passed by the Hon'ble Apex Court would make it clear that BS-IV Vehicles shall not be registered after 31.03.2020. However, in the above mentioned judgment, exemption was granted to the Vehicles which were purchased earlier and registration could not be made during Covid lockdown period. In the case on hand, the petitioner purchased the vehicle on 31.01.2017 and applied for permanent registration on 01.02.2017. However,he paid road tax only on 08.09.2020, after cut-off date. Therefore, as per the law laid down by the Hon'ble Apex Court in ***M.C. Mehta vs. Union of India and others***, the request of the petitioner for permanent registration of the petitioner's vehicle with BS-IV model cannot be considered.

7. However, the petitioner appeared to have paid a sum of Rs.2,99,553/- towards road tax on 08.09.2020 and a penalty amount of Rs.2,59,476/- on 11.09.2020 as demanded by the respondents. When the permanent registration of the petitioner's vehicle is not possible, the respondents are not entitled to retain the said amount. Therefore, the respondents are directed to repay the sum of Rs.2,99,553/- paid by the petitioner towards road tax and a sum of Rs.2,59,476/- paid by the petitioner towards penalty, within a period of six weeks from the date of receipt of copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs.

21.09.2023

Index : Yes/No
Speaking order:Yes/No
Neutral Citation:Yes/No
dm

To

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S.SOUNTHAR, J.

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