



W.P. (MD) No. 15395 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVU

W.P. (MD) No. 15395 of 2022

and

W.M.P. (MD) No. 11041 of 2022

Arockiya Vinothkumar

... Petitioner

Vs.

The Regional Transport Officer,
Office of the Regional Transport Officer,
Pudukottai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, calling for the impugned order issued by the Respondent in his proceedings in Na.Ka.No. 36573/E1/2019 dated 17.06.2022 and quash the same.

For Petitioner : Mr. B.Jameel Arasu

For Respondent : Mr. D.Gandhiraj,
Special Government Pleader



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ORDER

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Heard Mr. B.Jameel Arasu, Learned Counsel for the Petitioner and Mr. D.Gandhiraj, Learned Special Government Pleader appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Toyota Etios VXD vehicle that had been produced by the Petitioner viz., Mr. Arockiya Vinothkumar J, showing his temporary and permanent address as No. 45, Malaikudipatti, Illupur, Illupur Taluk, Pudukkottai, Tamil Nadu – 622504, was registered on 07.02.2019 as TN 55 BT 5977 by Thiru. G.Ashok Kumar, Assistant Registering Authority, Illupur under the provisions of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act' for short). It has subsequently come to light that the said vehicle was amongst the 78 vehicles registered by the said G. Ashok Kumar with tampered Chassis Number by adding an asterisk (*) symbol marked at the end of the chassis number, which is false in material particular with forged month and date of manufacturing as 'January 2018' instead of 'October 2017' with fake insurance coverage. In that backdrop, the Respondent, as Registering Authority, in the exercise of powers under Section 55(5) of the Act issued show-cause



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notice dated 30.04.2020 to the Petitioner at the address given by him, as entered in the registration certificate of the vehicle, calling upon him to explain as to why the registration could not be cancelled for the aforesaid reasons, but it had been returned undelivered with the postal endorsement 'no such addressee found'. Thereafter, the Respondent by Proceedings in Na. Ka. No. 36573/E1/2019 dated 17.06.2022, had cancelled the registration of the said vehicle. The District Crime Branch, Pudukottai, had also filed a criminal case in Crime No. 4 of 2020 under Section 465, 468, 471 read with 109 of the Indian Penal Code, 1860, and in the course of investigation, the Inspector of Police, District Crime Branch, Pudukkottai, seized the said vehicle and stationed it in the premises of the Respondent on 01.06.2020 for safety purpose, as he did not have any parking place at his office. However, the Inspector of Police, District Crime Branch, Pudukkottai, referring to the Proceedings dated 14.06.2022 in furtherance to the order dated 06.06.2022 in CrI. M.P. No. 403 of 2022 for provisional release of that vehicle from the Court of the Judicial Magistrate II, Pudukkottai, handed over the said vehicle to the Petitioner on the same day. While the matter stood as narrated supra, the Respondent by Proceedings dated 17.06.2022 in Na. Ka. No. 36573/E1/2019, called upon the Petitioner to forthwith surrender the vehicle along with its certificate of registration, which is assailed in this Writ Petition.



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3. At the outset, it must be recapitulated that Section 39 of the Act mandates that a motor vehicle cannot be driven in any public or other place unless it is registered and the certificate of its registration has not been cancelled. It would follow as its corollary that it is the obligation of the Petitioner, as owner of the vehicle on cancellation of its registration, to surrender it along with the certificate of registration to the registering authority in terms of Section 55(6) of the Act. It is not in dispute that the cancellation of registration of the vehicle by the Proceedings in R.No.36573/B1/2022 dated 01.06.2020, which remains unchallenged, has attained finality, and it would be obviously bar the Petitioner from claiming any right to use it in any public or other place. In that backdrop, if the claim now made by the Petitioner for release of the vehicle is acceded, it would certainly jeopardize the safety of other road users, which cannot be countenanced. It is beyond any cavil that the equitable powers of this Court under Article 226 of the Constitution cannot be used as a ruse to benefit a wrong doer at the cost of public interest.

4. In that view of the matter, there does not appear to be any infirmity in the impugned order warranting interference by this Court in the exercise of its powers of judicial review under Article 226 of the Constitution of India.



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In the result, the Writ Petition, which is devoid of merits, is dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

31.01.2023

PKN

NCC : Yes/No

Index : Yes/No

Note: Issue order copy by 22.05.2023.

To

The Regional Transport Officer,
Office of the Regional Transport Officer,
Pudukottai.



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P.D.AUDIKEAVALU,J.

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