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W.P. (MD) No. 16874 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 16874 of 2021

M/s. Non Stop Venture Pvt. Ltd.,
Rep. by its Director Mr.Syed Anwar

... Petitioner

Vs.

The Assistant Registering Authority,
Regional Transport Office,
Madurai (South), Madurai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the impugned order issued by the respondent A.Thi.Mu.No.67671/C3/2017 dated 03.02.2021 and quash the same and consequently to direct the respondent to register the vehicle which having Chassis No.MAT457018G7A01005 and Engine No.497TC44ATY801816.

For Petitioners : Mr. D.Anbarasu

For Respondent : Mr. M.Senthil Ayyanar
Government Advocate



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ORDER

Heard Mr. D.Anbarasu, Learned Counsel for the Petitioner and Mr. M.Senthil Ayyanar, Learned Government Advocate appearing for the Respondent.

2. The Petitioner had sought registration of the vehicles, which is bearing Chassis No. MAT457018G7A01005 and Engine No. 497TC44ATY801816 to the Respondent, which was manufactured during the period when Bharat Stage-III (BS-III) Emission Standards was in force. Since the said vehicle did not comply with the requirements of Bharat Stage IV Emission Standards, the Respondent by Proceedings in A. Thi. Mu. No. 67671/C3/2017 dated 03.02.2021 refused to register the same, which is challenged in this Writ Petition.

3. The Hon'ble Supreme Court of India in the decision in ***M.C.Mehta -vs- Union of India*** [(2017) 7 SCC 243] has held as follows:-



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“14. Accordingly, for detailed reasons that will follow, we direct that:

14.1. On and from 1-4-2017 such vehicles that are not BS-IV compliant shall not be sold in India by any manufacturer or dealer, that is to say that such vehicles whether two-wheeler, three-wheeler, four-wheeler or commercial vehicles will not be sold in India by any manufacturer or dealer on and from 1-4-2017.

14.2. All the vehicle registering authorities under the Motor Vehicles Act, 1988 are prohibited from registering such vehicles on and from 1-4-2017 that do not meet BS-IV emission standards, except on proof that such a vehicle has already been sold on or before 31-3-2017.”

Subsequently, by another order dated 27.03.2020 in I.A. Nos. 45883, 45912 and 48113 of 2020 in Writ Petition (Civil) No. 13029 of 1985, it has been held that even BS-IV compliant vehicles cannot be registered after 31.03.2020. In view of the aforesaid legal position, there does not appear to be any acceptable reason to interfere with the impugned order passed by the Respondent.



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4. In fine, the Writ Petition is dismissed. No costs.

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Index : Yes/No

Note: Issue order copy by 27.01.2023.

To

The Assistant Registering Authority,
Regional Transport Office,
Madurai (South), Madurai District.



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P.D.AUDIKESAVALU,J.

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