



W.P. (MD) No. 17118 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.AUDIKESAVALU

W.P. (MD) No. 17118 of 2021

Vaibav Bajaj

... Petitioner

Vs.

1. The Regional Transport Officer,
Regional Transport Office, No.126,
Old Dindigul Road, Near Collectorate,
Karur 639007.
2. The Regional Transport Officer,
Regional Transport Office,
Manmangalam, Karur District.
3. The Regional Transport Officer,
Regional Transport Office, Kulithalai,
Karur District.
4. The Regional Transport Officer,
Regional Transport Office,
Aravakurichi, Karur District.
5. The Regional Transport Officer,
Regional Transport Office,
Vedasandur, Dindigul District.



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6. The Regional Transport Officer,
Regional Transport Office, Lalgudi,
Trichy District.

7. The Regional Transport Officer,
Regional Transport Office,
Kallakurichi.

8. The Regional Transport Officer,
Regional Transport Office, Namakkal.

9. The Regional Transport Officer,
Regional Transport Office,
Paramathi Velur, Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the Respondents to register the Bharat State IV (BS-IV) Vehicles, which are sold within the cut-off date i.e., on 01.04.2020 as mentioned in our Hon'ble Apex Court in W.P. (Civil) No.13029 of 1985 (M.C.Metha Vs. Union of India and others case) vide order dated 24.10.2018 within a stipulated time as may be fixed by this Hon'ble Court .

For Petitioner : Mr. Isaac Mohanlal
Senior Counsel

For Respondents : Mr. K.S.Selvaganesan
Additional Government Pleader



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ORDER

Heard Mr. Isaac Mohanlal, Learned Senior Counsel for the Petitioner and Mr. K.S.Selvaganesan, Learned Additional Government Pleader for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that due to the non-functioning of E-vaahan portal from 28.03.2020 to 31.03.2020, the sold two-wheeler vehicles (BS-IV) could not be registered before the RTO office and he approached the Respondents for permanent registration of the said vehicles. As no action has been taken thereon, the Writ Petition has been filed.

3. It has been brought to notice by Learned Additional Government Pleader appearing for the Respondents that registration of BS-IV compliant vehicle in this case could not be made after 31.03.2020 in view of the order dated 27.03.2020 in I.A. Nos. 45883, 45912 and 48113 of 2020 in Writ



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Petition (Civil) No. 13029 of 1985 passed by the Hon'ble Supreme Court of India, in which it has been held as follows:-

“ It is stated by Mr. K.V. Vishwanathan, learned senior counsel appearing on behalf of the applicant/Federation of Automobile Dealers Association that 1,05,000 two-wheelers, 2250 passenger cars and 2000 commercial vehicles are there which have been sold but not registered through out India. Unsold vehicles are stated to be 7,00,000 two wheelers, 15,000 passenger cars and 12,000 commercial vehicles.

With the consent of Mr. A.N.S. Nadkarni, Learned Additional Solicitor General and Mr. K.V. Vishwanathan, Learned Senior Counsel, it is ordered that sold vehicles be registered by the concerned authorities by 30.04.2020. However, at the same time we direct the applicant to furnish details of the purchasers, on affidavit, of the



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aforesaid vehicles through e-mail, within seven days from today. Details of registration shall also be furnished to this Court.

With respect to unsold vehicles as the manufacturer should have been ready because of deadline set for BS-VI compliant vehicles, there is no justification to extend the time which was fixed long time ago. This is not something new which has occurred, it would be further injurious and further burden on human health to be caused by pollution of BS-IV vehicles when BS-VI vehicles are supposed to be produced by the manufacturers well in advance considering the deadline of 31st March, 2020.

It is stated that there are 7,00,000 two-wheelers which are unsold through out India with different dealers. Similarly, passenger vehicles are 15,000 and commercial vehicles are 12,000. In Delhi and NCR region, we are not



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allowing sale and registration of these kind of vehicles any more. However, in the remaining part of the country, due to the situation which has arisen due to lockdown, it is ordered that not beyond 10% of the vehicles, except with the Dealers in Delhi and NCR region, are permitted to be sold out of the aforesaid number of vehicles to make up the good of six days which were available before the lock-down has been ordered in the country. Details of the sale shall be furnished by the applicant and there shall be no violation of the order passed by this Court. Sales to be done within ten days of the lifting of the lock-down operating in the concerned cities and not beyond it and on an affidavit number of vehicles sold shall be stated by the applicant/Federation of Automobile Dealers Association and only those vehicles shall be permitted to be registered about which affidavit is filed. If out of the vehicles which are permitted to be sold some of them remain unsold then obviously there is no question of any



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further extension of time for sale of these kind of vehicles.

Particulars shall be given on an affidavit with engine and chassis numbers by the applicant/Federation of Automobile Dealers Association of the sale of vehicles before the registration is made, within seven days of the sale.”

It is further stated that by another order dated 09.04.2021 in Writ Petition (Civil) No. 13029 of 1985, the Hon'ble Supreme Court of India had passed orders relating to certain specific BS-IV compliant vehicles, and the Petitioner could seek necessary orders only from the Hon'ble Supreme Court of India in that regard.

4. Having regard to the aforesaid legal position, it is not possible for this Court to grant any relief as sought by the Petitioner in the Writ Petition.

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

06.01.2023

NCC : Yes/No

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Index : Yes/No

Internet : Yes/No

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Note: Issue order copy by 25.01.2023.

TO:

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P.D.AUDIKESAVALU,J.

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