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W.P.No.12741 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.No.12741 of 2024

M.Surendhar

... Petitioner

Vs.

1. The Road Safety and Transport Commissioner,
Ezhilagam, Chepauk,
Chennai – 600 005
2. The Regional Transport Authority,
Tiruppur North Region,
Collectorate, Tiruppur
3. The Joint Transport Commissioner,
Coimbatore Zone,
Dr.Balasundaram Road,
Coimbatore – 641 018
4. The Regional Transport Officer – Cum -
Registering Authority,
Tiruppur South, Tiruppur – 641605
5. The Regional Transport Officer – Cum -
Registering Authority,
Tiruppur North, Tiruppur – 641 603
6. The Regional Transport Officer,
Bangalore Central, Bangalore
7. P.Balasubramaniam
8. Krishna Motors and Services
No.7, Murugapalayam, Avinashi Road,
Thiruppur.

...Respondents

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

issuance of a Writ of Mandamus directing the respondents 1 to 5 to take an



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action against the 7th and 8th respondents under Sections 55 and 192(b) of the Motor Vehicles Act in view of the letters dated 11.09.2023, 01.12.2023 on the file of the 1st respondent and by considering the representation of the petitioner dated 09.06.2023 and on subsequent dates within a time stipulated period.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.M.Venkateswaran for R1 to R6
Special Government Pleader
Mr.K.Hariharan for R7
Mrs.T.Kokilavani for R8

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 5 to take an action against the 7th and 8th respondents under Sections 55 and 192(b) of the Motor Vehicles Act in view of the letters dated 11.09.2023, 01.12.2023 on the file of the 1st respondent and by considering the representation of the petitioner dated 09.06.2023 and on subsequent dates within a time stipulated period.

2.The case of the petitioner is as follows:-

(i) The petitioner is working as a Manager in a transport company in Tiruppur and the petitioner has come up with this petition to summarise the fraud played by the bus company operators in obtaining a transfer of ownership applications without following the mandatory requirements, as contemplated under Section 50 of the Motor Vehicle Act. The 7th



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respondent is a minibus operator in Tiruppur and he alleged to have acquired a minibus bearing registration no.KA 01 AJ 4682 from the Headmaster, St.Antony School, Bangalore. The registering officials, without scrutinising the documents had transferred the ownership and assigned new registration number. After verification of records, it is seen that the alleged Head Master is not the owner of the bus and the actual owner is some other person. In fact, the school is not running at the alleged address and the number of cylinders varies from the original registration certificate to the transfer of the registration certificate.

(ii) Though it is crystal clear that the ownership of the minibus is fabricated, necessarily the 5th respondent ought not to have registered the transfer of ownership, however, the 4th respondent processed the application and assigned a new registration number without following the Act and Rules. When it was brought to the knowledge of the respondents, a reply was given by the 5th respondent stating that they had given a letter to the 6th respondent for making changes and accordingly, changes were made in the transfer of ownership certificate vide letter dated 09.10.2023. Further, the 8th respondent altered the vehicle without obtaining permission from the concerned authority. Further, the respondent officials are processing the applications and assigning new registration numbers in contravention of the Rules and procedures under the Motor Vehicle Act. Taking note of such illegality, the petitioner made several representations



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dated 09.06.2023, 24.08.2023, 02.09.2023, 18.10.2023, 13.10.2023, 17.11.2023, 15.04.2024, for which, several replies were received from the respondents stating that action will be taken against the respondents 7 and 8, bus operators. Till date, no action has been taken against them and the application has been kept pending, however, the petitioner has received replies from the respondents 1 to 3 dated 25.11.2023, 11.09.2023, 17.10.2023, 11.10.2023, 01.12.2023 by directing the respondents 4 and 5 to take action against the private respondents within the stipulated time, but no action has been taken, hence this petition.

3. The learned counsel for the petitioner would submit that the 7th respondent is a minibus operator and purchased a minibus bearing no.KA 01 AJ 4682 from Bangalore. The registering officials without following procedures contemplated under the Motor Vehicle Act had transferred the ownership certificate based on the fake documents submitted by the 7th respondent. Consequently, the respondents ought to have cancelled the registration certificate and further penal action has to be taken against them for the submission of false documents. The failure on the part of the respondents to take action against the private respondents is against law and contrary to the Motor Vehicle Act, hence this petition.



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4. On the contrary, the learned Special Government Pleader appearing for the respondents 1 to 6 filed a counter, wherein it is submitted as follows:-

(i) The Transport Commissioner, Chennai had issued several circular instructions in nos.52/92, 56/92, 26/94, 34/94, 63/94 and 75/94, wherein it stipulates the mandatory procedures to be observed by the registering authorities in Tamilnadu while considering the application for re-registration of vehicles. The Motor Vehicles Inspector under the control of Regional Transport Officer, Tiruppur (South) being the 4th respondent herein duly inspected the vehicle KA 01 AJ 4682 produced before him along with the material particulars available in the registration certificate of the vehicle as well as the 'No Objection Certificate' issued by the Regional Transport Officer / Bangalore (Central) initially in his letter R.No.15618/2018 dated 05.12.2018 along with the copy of 'B' register extract of the said vehicle as per the provisions of Motor Vehicles Act, 1988 and the Rules made thereunder besides the circular instructions.

(ii) Further, to find out the genuineness of the facts already furnished with regard to number of cylinders and as well as the typographical error made by him with reference to Chassis number of the vehicle, the 4th respondent herein addressed letter dated 12.06.2023 to the 6th respondent with a request to correct the discrepancies found in the registration



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certificate of the vehicle issued by him and as well as in the confirmation of 'No objection certificate' issued by him already in letter Regional Transport Office / BNG / (C)/ TR /KA-01-AJ-4682/18-19 dated 07.03.2019. The 6th respondent herein being the Regional Transport Officer once again confirmed that the chassis no. Of the vehicle belongs to his state is as 'MBIPFEFC8FA TF 1466" only (herein the RTO / Bangalore (Central) since supplied the omission of letter 'F' after letter 'P' and cylinder number of the said vehicle is only '6' (six) instead of 4 (four) already informed by him vide letter dated 05.12.2018.

(iii) Apart from the above, M/s Krishna Motors and Services having residence at No.27, Murugapalayam Avinasi Road, Tiruppur being the 8th respondent herein purchased a bus bearing Regn. No.AR06B6080 which was registered in the State of Arunachala Pradesh (Registering Authority of Subansiri) on 04.02.2019 in the name of one Abdul Rahaman, as per Section 40 of Motor Vehicles Act 1988 r/w Rule 47 of Central Motor Vehicle Rules 1989 with the following specifications:

Regn. No.	- AR 06 B 6080
Vehicle Class	- Bus
Makers name	- Ashok Leyland Ltd.,
Model Name	- ALPSV 4/186 BSIV
Model & Year of manufacturing	- 01/2019



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Seating capacity – 59; standing – 0 – Sleeping – 0

No. Of cylinders -6

ULW/GVW(Kgs) - 8150/16200

Chassis No. - MBIPBEYCOKBJF2022

Engine No. - KJPZ508253

Tax Paid upto - 31.07.2023

(iv) The Registering Authority State of Arunachala Pradesh (Viz., Registering Authority Subansiri) has issued a 'No Objection Certificate' as required under Section 48 of Motor Vehicles Act 1988 in N.O.C.No.AR 2022 (In Lr NOC R.No.09268 dt. 29.08.2022) to Registering Authority Tiruppur (North) being the 5th respondent herein for the purpose of assigning new registration mark in the State of Tamil Nadu, as per Sec 47(1) of Motor Vehicles Act 1988 r/w Rule 54 of Central Motor Vehicle Rules 1989. Also, with reference to the complaint given by the petitioner to the effect that 'sleeper class Omni-bus' was registered as seated bus violating Section 52 of Motor vehicles Act 1988. In this contention it is submitted that as per the registration certificate bearing registration number AR 06B 6080 by the Registering Authority Subasiri of Arunachala Pradesh it was clearly mentioned the class of vehicle as 'Bus' and not an Omni Bus as contented by the petitioner and the seating capacity as 59; standing and sleeping as 'zero'. Hence the complaint raised by the petitioner have no force for consideration, as it becomes infructuous one.



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The petitioner has made the complaint without any basic provisions and purely on presumptive basis with ulterior motive. Further, the entire complaints raised by the petitioner regarding re-registration of vehicles TN 42 AD 2999 done by the 4th respondent and as well as vehicle bearing registration no.TN39 CV 0919 by the 5th respondent herein have no force for consideration and it is not valid in law and any of the provisions of Motor Vehicles Act 1988 and the rules made there under and the re-registrations were done in good faith and are in order, thereby pleaded to dismiss the petition.

5. Heard the learned counsels on either side and perused the documents placed on record.

6. On going through the documents placed on record it is seen that the 7th respondent herein had purchased an education institution bus of 2016 model, with seating capacity of 27 in all with other material particulars found in the registration certificate bearing Registration no.KA01 AJ 4682 with 'No Objection Certificate' issued by the Registering Authority Bangalore (Central), as required under Section 48 (3) of Motor Vehicles Act, 1968 in R.No.15618/2018 dated 05.12.2018. The 7th respondent had applied to the Regional Transport Officer / Tiruppur (South) to effect transfer of ownership and as well as re-register the vehicle in Regional Transport Officer / Tiruppur (South) from the name of the original registered owner, viz., 'The Head Master, St.Antony's School, No.192,



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Cross Kodathi, Sarjapura Road, Bangalore – 35 to the name of the 7th respondent and obtained 'No Objection Certificate' in R.No.15618/2018 dated 05.12.2018 along with the copy of 'B' Register extract of the said vehicle as per the provisions of Motor Vehicles Act, 1988 and the Rules made thereunder besides of circular instructions of the Transport Commissioner, Chennai already issued.

7. That apart, the Chassis Number of the vehicle was indicated as 'MBIPEFC8FATF1466' and number of cylinders as '4'. The motor vehicle inspector, who inspected the vehicle found that serial number and size of the letters found in the vehicle was in order and there was no ambiguity noticed by him except one letter 'F' found missing in the 'No Objection Certificate' on par with the Chassis number available in the vehicle.

8. Further, the authority has clearly found that the vehicle bearing registration No.KA01 AJ 4682 is the Educational Institution Bus with RLW 8100 Kgs and the same was rightly re-registered as TN-42 AD 2999 by the 4th respondent and the same is in order without any lapses. Also, with respect to the complaint given by the petitioner to the effect that 'sleeper class omni-bus' was registered as seated bus by violating Section 52 of Motor Vehicles Act 1988. As per the registration number AR 06 B 6080 by the Registering Authority Subasiri of Arunachala Pradesh, the class of vehicle is mentioned as 'Bus' and not as Omni Bus and the seating



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capacity is clearly mentioned as 59 and standing and sleeping are mentioned as '0'. The transport commissioner in his circular no.25/2001 in R.No.72414/2000 dated 25.08.2001 instructed to permit alterations in seating capacity of the vehicle, which does not result in the basic features of the vehicle.

9. As it is seen that both the claim made by the petitioner has been clarified and accordingly, this Court is of the view that there is no such case / complaint has been made out by the petitioner and if at all the petitioner is representing on behalf of general public, the petitioner shall file a petition by way of Public Interest Litigation and not by filing this petition making such allegation. Further, the claims made by the petitioner is nullified by the counter wherein the appropriate orders have been issued by authorities only after considering the materials available on record and as per the Act and hence the Writ Petition filed by the petitioner has to be dismissed as devoid of merit. Further, if the petitioner has any right under the act, it is left open to the petitioner to approach the authorities in the manner known to law.

Accordingly, the Writ Petition is dismissed. No costs.

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Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd

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V.BHAVANI SUBBAROYAN J.

ssd

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