



WEB COPY

W.P.No.13133 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2024

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

W.P.No.13133 of 2024

M.Hemnath

...Petitioner

Vs.

1.The Commissioner of Transport and Road Safety,
Commissionerate of Transport and Road Safety,
Guindy, Chennai - 600032.

2.The Regional Transport Officer,
Poonamallee, Chennai - 600071.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Mandamus directing the respondents to register the petitioner's new car namely, ERTIGA SMART HYBRID ZXI+, having Chassis No.MA3BNC72SRA731611 and Engine No.K15CN7328278 by granting exemption of Tax to the Physically disabled as per G.O.Ms.No.3352, Home (Transport-T) Department dated 29.12.1976 within the time limit to be stipulated herein.



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For Petitioner : Mr.P.Mohanraj

For Respondents : Mr.M.Naveenkumar

Government Advocate

ORDER

The petitioner who suffers 90% disability has filed this Writ Petition seeking issuance of Writ of Mandamus, directing the respondents to register the petitioner's new car namely, ERTIGA SMART HYBRID ZXI+, having Chassis No.MA3BNC72SRA731611 and Engine No.K15CN7328278 by granting exemption of Tax to the Physically disabled as per G.O.Ms.No.3352, Home (Transport-T) Department dated 29.12.1976.

2.The petitioner submits that he is a law graduate and enrolled as an Advocate. Enrollment number is MS 2940/2008. He is a differently abled person having permanent locomotor disability namely, Muscular Dystrophy. His disability was assessed at 90% and he was issued with Unique Disability Identity Card by the Government of India. He would further submit that considering his health issues and frequent travel to Hospitals in order to get the medical treatment a new car was purchased in his name



namely, ERTIGA SMART HYBRID ZXI+, having Chassis No.MA3BNC72SRA731611 and Engine No.K15CN7328278. The vehicle was adapted for his personal use by obtaining Retro Fitment Certificate from the Government approved Retro Fitment Centre namely, Shree Vari Engineering Works, No.43, Roy Nagar, Ponnammanmedu, Chennai - 600110 by modifying the front seat of the vehicle with swinging option so as to enable the petitioner to get in and out of the seat himself without the assistance of another person.

3.Heard Mr.P.Mohanraj, learned counsel appearing for the petitioner and Mr.Naveenkumar, learned Government Advocate appearing for the respondents.

4.The learned counsel appearing for the petitioner would submit that as per G.O.Ms.No.3352, Home (Transport-T) Department dated 29.12.1976, the Government have granted exemption from payment of tax to all motor vehicles specially designed or adapted for the use of the physically handicapped persons, provided the adapted vehicles are used by the physically handicapped persons.

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5.From the perusal of the Unique Disability identity card issued to the petitioner, it is made clear that the petitioner suffers 90% disability. He has submitted that the car is purchased and adapted, according to his needs. Therefore, he is entitled to get the benefits given in the said G.O.

6.In view of the aforesaid discussion, this Writ Petition is allowed with a direction to the respondents to consider the representation of the petitioner and pass orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

08.05.2024

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation :Yes/No



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To:-

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R.KALAIMATHI, J.

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