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W.P.No.19029 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P. No.19029 of 2024
and
W.P.Nos.20873 & 20876 of 2024

G.Kalaivanan

... Petitioner

Vs.

1.The Registering Authority,
Regional Transport Officer,
Dharmapuri.

2.The Transport and Road Safety Commissioner,
Chennai – 05.

3.The Deputy Transport Commissioner,
Salem Zone, Salem.

4.The Motor Vehicle Inspector,
Grade – 1, Harur,
Dharmapuri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus, directing to call for the records of the 1st respondent made in proceedings R.No.14371/A2/2022 dated 08.06.2023 and quash the same and consequently direct the 1st respondent to restore the vehicle bearing the registration No.TN22CH3167, and consequently direct the 1st respondent to restore the vehicle bearing



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registration No.TN22CH3167.

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For Petitioner
For Respondents

: Mr.J.Pradeep
: Mr.S.J.Mohamed Sathik
Government Advocate

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus seeking to call for the records of the 1st respondent/the Registering Authority, Regional Transport Officer, Dharmapuri, relating to the order dated 08.06.2023 and quash the same and direct the said respondent to restore the vehicle bearing registration No.TN22CH3167 back to the petitioner herein.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner had purchased the aforementioned vehicle on the basis of the documents submitted to him through online OLX app. It was a pre-used Car and it was detained by the Regional Transport Authority at Harur and when the registration documents were verified, it was found that the vehicle's registration was a fake registration. Therefore, the first respondent had seized the vehicle.

3.The learned counsel for the petitioner places reliance on the order of the learned Single Judge in *W.P.No.7322 of 2023 in R.Yuvaraj Vs. The*



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Transport Commissioner and others, wherein, a learned Single Judge, in similar circumstances, had directed that the vehicle should be returned by imposing a condition that the petitioner should not alienate or deal with the vehicle, but must retain the vehicle till the investigation is completed. The same conditions will apply to the petitioner herein and this Court is also inclined to permit the petitioner to take custody of the Car subject to the following conditions:

- a) The petitioner is directed to give an undertaking before the concerned RTO that the car will be kept in the residence and it will not be put to use at any point of time.
- b) The petitioner shall surrender the original RC book and also the original insurance policy to the concerned RTO.
- c) The petitioner shall attend the enquiry conducted by the RTO or any other authority and shall co-operate in providing the details as to the person from whom the car was purchased, the amount that was given etc. The petitioner is permitted to take back the car only on the strict compliance of this condition.



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- d) The petitioner shall submit a monthly report before the concerned RTO reiterating that the vehicle has not been put to use and that the undertaking given at the time of taking custody of the car is strictly complied with.
- e) The vehicles that have been fraudulently registered have been identified and the Registration Numbers are already available with the authorities. Hence, there shall be a direction to the 1st respondent to send the details of these vehicles to all the Police Stations through the Superintendent of Police / Commissioner of Police and the Traffic Police shall ensure that the vehicles which are yet to be seized are seized and handed over to the concerned RTO office. There shall be a perfect co-operation between the Transport Commissioner and the Police officials in this regard.
- f) There shall be a direction to identify all the accused persons who are involved in this racket and proceed further with the investigation and complete the same, as expeditiously as possible and



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g) The Director General of Police, Tamil Nadu shall issue a circular to all the Police Stations concerned in Tamil Nadu to ensure that not a single vehicle which falls under the category of BS IV which has been fraudulently registered is allowed to ply in the roads and any vehicle falling under this category can be seized and it shall be handed over to the concerned RTO office. A copy of this order shall also be marked to the Director General of Police, Tamil Nadu in this regard.

4. Accordingly, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition are closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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C.V.KARTHIKEYAN, J.

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