



W.P.No.22629 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.22629 of 2022

G.Roopa

.. Petitioner

Versus

1. The Transport Commissioner,
Transport Department,
Ezhilagam Buildings, Chennai.

2. The Regional Transport Officer,
Coimbatore Regional Transport Office,
Coimbatore.

3. The Regional Transport Officer,
Coimbatore Regional Transport Office,
Coimbatore.

4. The Regional Transport Officer,
Udumalpet, Tiruppur District.

5. Varsha Ford Limited

...Respondents

Prayer: This petition is filed under article 226 of constitution of



W.P.No.22629 of 2022

WEB COPY

India to issue a writ of Mandamus directing the respondents 1 to 3 to register the vehicle bearing engine number KC26951 Chassis No.MAJAXXMRWAKC26951BSIV or in alternative directing the respondents 1 to 3 to issue suitable direction to the 4th respondent to return the money paid by the petitioner with interest at the rate of 12% per annum.

For Petitioner : Mr.N. Umapathi

For Respondents : Mr.M. Shahjahan
Special Government Pleader

ORDER

This petition is filed to issue a writ of a writ of Mandamus directing the respondents 1 to 3 to register the vehicle bearing engine number KC26951 Chassis No.MAJAXXMRWAKC26951BSIV or in alternative directing the respondents 1 to 3 to issue suitable direction to the 4th respondent to return the money paid by the petitioner with interest at the rate of 12% per annum.



W.P.No.22629 of 2022

WEB COPY

2. The case of the petitioner is that the petitioner is that she intended to purchase a vehicle bearing Engine No. MAJAXXMRWAKC 26951BSIV model from the 4th respondent and she has paid a sum of Rs.2,00,000/- lakhs on 25.03.2020 and it was stated by the 4th respondent that the vehicle will be registered within a week after the lock-down since there is bar based on the orders passed by the Hon'ble Supreme court not to register the BS 4 type vehicles after 31.03.2020. Thereafter, there was some relaxation in the lock down and the 4th respondent insisted the petitioner to pay the entire amount on 03.06.2020 and the petitioner also paid the entire amount. When this being the case the petitioner is waiting for more than 2 years to get the vehicle to be registered. The grievance of the petitioner is that inspite of repeated demands initially the 4th respondent failed to provide any of the papers relating to the registration. However, the 4th respondent gave Tax Invoice and Factory invoice on April 2022. Thereafter, the petitioner approached the 3rd respondent to register the vehicle who inturn informed that the said vehicle has not been registered in E-Vahan portal. Aggrieved over the same the petitioner has come up with this petition.



W.P.No.22629 of 2022

WEB COPY

3. The learned counsel for the petitioner submitted that there is a direction from the Hon'ble Supreme Court stating that if the vehicle has been sold within the lock down period unlawfully, then the dealers has to return the money and get the vehicle back. Hence, prays to allow this petition.

4. Before advertng further, it would be relevant to go through to the Judgment passed by this Court in W.P.(MD)Nos. 6791, 6798, 6801, 6807 and 6811 of 2021 and the relevant portion is extracted hereunder:

All that the Hon'ble Supreme Court had laid down was that if a genuine sale transaction had actually taken place before 31.03.2020 and the details have been uploaded in E-Vaahan Portal of the Central Government, their registration cannot be denied. Therefore, the Transport Commissioner ought not to have introduced an additional requirement that tax and fees also should have already been paid. Likewise, Section 44 of the Motor



W.P.No.22629 of 2022

Vehicles Act, 1988, states that the vehicle has to be produced only at the time of registration. There is no need to produce the vehicle in advance.

5. Considering the facts of the case, it is seen that the petitioner has not registered the vehicle in question in E-Vahan portal hence, the Judgment passed by this Court in W.P.(MD)Nos. 6791, 6798, 6801, 6807 and 6811 of 2021 is not applicable to the present facts of the case.

6. For the foregoing reasons this petition deserves to be dismissed. Accordingly, this petition is dismissed.

15.04.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



W.P.No.22629 of 2022

WEB COPY

To

1. The Transport Commissioner,
Transport Department, Ezhilagam Buildings, Chennai.
2. The Regional Transport Officer,
Coimbatore Regional Transport Office,
Coimbatore.
3. The Regional Transport Officer,
Coimbatore Regional Transport Office,
Coimbatore
4. The Regional Transport Officer,
Udumalpet, Tiruppur District.



WEB COPY



W.P.No.22629 of 2022

V.BHAVANI SUBBAROYAN, J.

smn

W.P.No.22629 of 2022

15.04.2024