



WEB COPY



W.P.No.25740 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25740 of 2024

Shanthi

... Petitioner

-Vs-

1. The Transport Commissioner,
Home (Transport) Department,
Government Of Tamil Nadu,
Ezhilagam, 2nd Floor, Chepauk,
Chennai 600 005.
2. The Regional Transport Officer,
Regional Transport Office,
Dharmapuri, Dharmapuri District.
3. The Motor Vehicles Inspector Gr-1,
Regional Transport Office,
Dharmapuri, Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to release the vehicle “Toyaota Innova Crysta 2.4 V” bearing Temporary Registration No.TN30BFT4289, permitting the petitioner to retain custody of the vehicle considering the petitioner's representation dated 16.08.2024, within a stipulated time frame as prescribed by this Hon'ble Court.

For Petitioner : Mr.M.Mohamed Afridi

For Respondents : Mr.V.Manoharan

Additional Government Pleader



W.P.No.25740 of 2024

ORDER

This writ petition has been filed for direction directing the 2nd respondent to release the vehicle “Toyota Innova Crysta 2.4 V” bearing Temporary Registration No.TN30BFT4289, permitting the petitioner to retain custody of the vehicle considering the petitioner's representation dated 16.08.2024, within a stipulated time frame as prescribed by this Hon'ble Court.

2. Heard both sides and perused the materials available on record.

3. The petitioner purchased a Toyota Innova Crysta 2.4 V car. The petitioner submitted an application for registration of the vehicle. However, the petitioner could not able to register the vehicle, on the ground that the registration of BS-4 vehicles were banned. Therefore, it was remained un-registered and in the custody of the petitioner. While being so, on receipt of a call from the Deputy Superintendent of Police office in Dharmapuri for enquiry, the petitioner and her husband used the said car to the office of the Deputy Superintendent of Police office by using the two wheeler registration number. While proceeding to the office of the Deputy Superintendent of Police, the second respondent seized the vehicle and permitted the petitioner to maintain the said vehicle and permitted to take back the belongings in the car.



W.P.No.25740 of 2024

4. The learned counsel for the petitioner submitted that the said car was taken for emergency situation to the Deputy Superintendent of Police and in the mid way, it was seized by the second respondent. The petitioner also undertakes not to use the vehicle on the road and he wants to scrap the entire vehicle and to permit to take back the vehicle.

5. On instructions, the learned Additional Government Pleader appearing for the respondents submitted that as per the order of the Hon'ble Supreme Court of India in the case of *M.C.Mehta Vs Union of India*, dated 27.03.2020, BS-IV vehicles are supposed to be produced by the manufacturers well in advance considering the dead line of 31.03.2020. Therefore, the application seeking extention of time for sale of these kind of vehicle was not considered.

6. It is seen that the petitioner purchased BS-4 vehicles in the year 2017. The petitioner is in possession without registration of the vehicle. While being so, on 08.07.2024, when the petitioner was operating the vehicle in the road without registration, driving license and insurance, the second respondent seized the car and found that it is a BS-4 vehicle. That apart, the petitioner used two wheeler registration number and operated the car in the road. Therefore, it attracts the criminal offence and also violation of the Motor Vehicles Act.



W.P.No.25740 of 2024

WEB COPY

7. In view of the above, the direction sought for in this writ petition cannot be considered and the writ petition is devoid of merits and is liable to be dismissed.

8. Accordingly, this writ petition stands dismissed. No costs.

03.09.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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W.P.No.25740 of 2024

To

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G.K.ILANTHIRAIYAN. J.

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