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W.P.Nos.36031 of 2023 etc.

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 12.06.2024

CORAM :

**THE HONOURABLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE**

and

**THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

Writ Petition Nos. 36031, 36033, 36036 and 36037 of 2023

and

Writ Petition Nos. 411, 414, 416 and 419 of 2024

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W.P. No. 36031 of 2023

Federation of Automobile Dealers Associations (FAD)  
represented by its Chief Executive Officer  
Saharsh Damani  
No.805, Surya Kiran Building  
Kasturba Gandhi Marg  
New Delhi - 110 001

.. Petitioner

Versus

1. The Principal Secretary to Government  
Transport Department  
Government of Tamil Nadu  
Secretariat, Fort St. George  
Chennai - 600 009
2. The Transport and Road Safety Commissioner  
Commissioner of Transport and Road Safety  
Ezhilagam, Chepauk  
Chennai - 600 006



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3. The Director General  
National Informatics Centre  
Tamil Nadu State Centre, E Wing, First Floor  
Rajaji Bhawan, Besant Nagar  
Chennai - 600 090

4. The Secretary to Government  
Ministry of Road, Transport and Highways  
Government of India  
Ministry of Road  
Transport and Highways Bhawan  
1, Parliament Street  
New Delhi - 110 001

.. Respondents

W.P. No. 36031 of 2023: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st and 2nd respondents to refrain from insisting for a Ration Card for registration of Motor vehicles as provided for under the amendments made to the Motor Vehicles Act 1988 and central Motor Vehicle Rules, 1989 in the State of Tamil Nadu.

For the Petitioner in all : Mr.C.Manishankar  
writ petitions Senior Counsel  
for M/s.Rahul M.Shankhar

For the Respondents in all : Mr.A.Edwin Prabakar  
writ petitions State Government Pleader  
for respondents 1 and 2

: Mr.V.Chandrasekaran  
Senior Panel Counsel  
for fourth respondent

### COMMON ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Heard Mr. C. Manishankar, learned Senior Counsel appearing on behalf

of M/s. Rahul M. Shankhar, learned counsel for the petitioner; Mr. A. Edwin



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Prabakar, learned State Government Pleader for respondents 1 and 2 and Mr.

V. Chandrasekaran, learned Senior Panel Counsel for the fourth respondent.

2.The case projected by the petitioner in all these writ petitions is as follows:

(i)The Central Government has made several amendments to the Motor Vehicles Act, 1988 by enacting the Motor Vehicles (Amendment) Act, 2019 with effect from 01.09.2019 with a view to address the issues relating to road safety, strengthening public transport, automation and computerisation and improving citizen facilitation and efficiency on the transport sector. Pursuant to such amendment, the Central Motor Vehicles Rules, 1989 were also amended from time to time with a view to simplify the procedures by enabling a single window system in the form of VAHAN portal for digital submission of applications/documents by the citizens in order to provide hassle free citizen centric services. According to the petitioner, the aim of the amendments was to utilise the technological advancements in favour of all the stakeholders by establishing a mechanism to expedite the procedure and minimise redtapism through electronic services.

(ii) The grievance of the petitioner is that even after the amendments made to the Motor Vehicles Act and the Central Motor Vehicle Rules, the



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Government of Tamil Nadu has not implemented the said amendments in its true letter and spirit, which has led to contradictions between the laws enacted by the Parliament and the State legislature. It is also stated by the petitioner that the State Governments have an obligation to inevitably follow the law laid down by the Parliament and the Rules framed by the Ministry of Road Transport and Highways. When the Motor Vehicle (Amendment) Act, 2019 was brought into force, the erstwhile Rule or any Rule enacted thereafter by the State Government, which are in contravention to the amended provisions enacted by the Central Government, have to automatically become inoperative and *void ab initio*.

(iii) According to the writ petitioner, by virtue of non-implementation of the amendments made to the Central Act and Rules, the dealers across the State of Tamil Nadu are subjected to different treatment with demand for Type Approval Certificate (TAC) and payment of corresponding fee from Dealers prior to registration of Motor Vehicles, which is in contravention of Rules 126, 126A, 126C and 47 (3) of the Central Motor Vehicle Rules, 1989. Similarly, the Non-grant of Registration Mark immediately after Electronic Application on VAHAN portal for fully built motor Vehicles on account of Non-submission of Hard Copies of Application and Physical Non-Inspection of Vehicles and not permitting generation of Fancy Numbers online, as per Rules



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41 (1), 47 (1) and 48 B of the Central Motor Vehicle Rules, 1989, are arbitrary and illegal. The petitioner further stated that the same process is being followed for allotment of fancy numbers unlike other States where the bidding process for allotment of fancy numbers has been fully digitalized and the dealers have been authorised to submit applications for allotment of fancy numbers to ensure transparency. The present process, as per the provisions contained prior to the amendment in the Motor Vehicle Act and Rules consumes huge time and the vehicle registration is being delayed by more than a fortnight.

(iv) As per Rule 47 (1) (e) of the Central Motor Vehicle Rules, production of proof of address by way of any one of the documents referred to in Rule 4 of Central Motor Vehicle Rules, 1989 is essential. As per Rule 4, Aadhar Card, Electoral Roll, LIC, Passport, ration card etc., are the documents required to show the address of the prospective purchaser. However, even after the amendments made in the year 2019, the respondent authorities are insisting production of ration card alone as the evidence for authenticity of address and it is wholly arbitrary and contrary to the amended provisions of the Central Motor Vehicle Rules, 1989. In this context, the petitioner sent several notices and made representations to the respondents. That apart, on 13.10.2023, the petitioner also sent a notice through their counsel inviting the attention of the



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respondents the need for implementation of the provisions of the Motor Vehicle Act, 1988 and Central Motor Vehicle Rules, 1989 as amended from time to time. However, the respondents did not respond to the representations made. Therefore, the petitioner is before this Court with these writ petitions.

3.We have heard the learned senior counsel for the petitioner; learned State Government Pleader for the respondents 1 and 2; and learned senior panel counsel for the fourth respondent; and also perused the documents enclosed in the typed set of papers.

4.It is evident from the pleadings as well as the documents produced before us that the amendments made to the Motor Vehicles Act, 1988 have been brought in by virtue of Motor Vehicle (Amendment) Act, 2019 with effect from 01.09.2019. Pursuant to the amendments to the said Act, the Central Motor Vehicle Rules, 1989 has also been amended. The grievances expressed by the petitioner, by and large, appear to be that the State Government has not given effect to those amendments made and still placing reliance on the Act and Rules that exist prior to the amendments. As pointed out by the learned Senior counsel for the petitioner, as per Article 254 of the Constitution of India, if any provision of law is made by the Legislature of a



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State and it is repugnant to any provision of a law made by the Parliament, the Law enacted by the Parliament will prevail and the Law enacted by the legislature of the State shall, to the extent of such repugnancy, be void. In such view of the matter, the State Government is bound to follow the amendments made to the Motor Vehicles Act, 1988, introduced with effect from 01.09.2019 and the consequent amendments made to the Central Motor Vehicles Rules, 1989, without brooking any further delay.

5. Accordingly, these writ petitions are disposed of, with a direction to the respondents 1 and 2 to take immediate steps to implement the amendments introduced by the Central Government to the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989. There shall be no order as to costs.

(R.M.D., ACJ) (M.S.Q., J)  
12.06.2024

Index : Yes/No  
NC : Yes/No

sasi/rsh

To  
1. The Principal Secretary to Government  
Transport Department  
Government of Tamil Nadu  
Secretariat, Fort St. George  
Chennai - 600 009

<https://www.mhc.tn.gov.in/judis>



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Commissioner of Transport and Road Safety  
Ezhilagam, Chepauk  
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**MOHAMMED SHAFFIQ, J**

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