



W.P(MD)No.17401 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.17401 of 2024

and

W.M.P(MD)No.14935 of 2024

Tamil Nadu Car Dealers & Consultants Welfare
State Federation, (Registration No.114/2017),
Represented by its State President,
P.N.Sivakumar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
St. Fort George,
Chennai-600 009.

2.The Commissioner,
Transport Department,
Office of the Transport and Road Safety,
Chepaukam, Chennai-600 005.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in his circular No.02 of 2024 in Na.Ka.No.A5/28334/2020, dated 27.02.2024 and quash the same



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as devoid of merits and consequently direct the second respondent to consider the representation, dated 29.04.2024 and pass such other orders and this Court.

For Petitioner : Mr.P.Arun Jayatram

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The present writ petition has been filed to quash the order, dated 27.02.2024 passed by the second respondent and consequently direct the second respondent to consider the representation, dated 29.04.2024.

2. The learned Counsel appearing for the petitioner would submit the members of the petitioner Association deal with the sale of second hand four wheeler and also on behalf of the purchasers, make an application to the respective Regional Transport Officers for change of name in the registration certificate. He would submit that the circular had been issued by the second respondent indicating that for any reasons, the driving license and the registration certificate should not be handed over in person and the same should only be sent through registered post to the



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person in whose favour such driving license or registration certificate is being issued. He would vehemently contend that the said circular is contrary to the Tamil Nadu Motor Vehicle Rules, particularly Rule 430 which had specified the mode of despatch of documents. He would further submit that Rule 430 of the Tamil Nadu Motor Vehicle Rules prescribes that such license / certificate should be handed over to the applicant concerned in person under a proper acknowledgment or through a 'Tout', who had been authorised on this behalf. Only in cases, where person desirous of getting such documents by registered post with acknowledgment due. Then only such certificates could be sent to such person through registered post. Hence, he would submit that the said circular wholly violates the Rule 430 of the Tamil Nadu Motor Vehicle Rules and therefore, the said circular is *ultra vires* the rules and therefore, would seek indulgence of this Court to interfere with the said circular and quash the same.

3. On the contrary, the learned Additional Government Pleader appearing for the respondents would submit that the writ petition itself at the instance of the petitioner Association would not be maintainable. He



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would contend that the members of the petitioner are only dealers in four wheel vehicles and they have neither approached the authority for grant of driving license or registration certificate. He would further submit that only an aggrieved person could challenge such circular. He would further submit that for safety purposes, the procedure of sending the licenses / registration certificate through registered post had been adopted. He would further submit that in many cases, false addresses were given by the applicant with supporting documents and when the person / vehicle concerned meets with an accident or involved in any criminal activity and based on the address that is available in the license / registration certificate accused in such cases is sought to be traced. It had come to light that the said address was bogus address. The circular also address the said issue. He would reiterate that the writ petition at the instance of the writ petitioner is not at all maintainable as he cannot be said to be the aggrieved person.

4. I have carefully considered the submissions made on either side and perused the materials available on record.



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5. A primordial contention had been taken by the respondents on the *locus* of the petitioner in challenging the said circular in the instant writ petition. Admittedly, the petitioner is an Association of persons, who carry on trading in sale of second hand four wheelers. This has been clearly admitted to in the affidavit filed in support of the writ petition. The writ petitioner had not pleaded that they had sought for license or they have sought for a registration certificate and that when they wanted to receive such license or certificate in person, the same had been refused quoting the circular. The learned Special Government Pleader appearing for the respondents had also contended reasons for issuing the said circular. Rule 430 of the Tamil Nadu Motor Vehicle Rules also permits the second respondent to send the said license / certificate through registered post, if such request is made.

6. As rightly pointed out by the learned Special Government Pleader appearing for the respondents, I am also of the view that the petitioner does not have any *locustandi* to challenge the said circular issued by the respondent. In such circumstances, without going into the merits of the claim made by the petitioner, the writ petition is liable to be



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dismissed only on the ground of *locus*.

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7. For the reasons stated above, the writ petition stands dismissed.

There shall be no order as to costs. Consequently, connected
Miscellaneous Petition stands closed.

07.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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

2.The Commissioner,
Transport Department,
Office of the Transport and Road Safety,
Chepaukam, Chennai-600 005.



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K.KUMARESH BABU, J.

BTR

Order made in
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