



W.P.No.31903 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.31903 of 2025 &
WMP.Nos.35715 & 35720 of 2025

J.S.Auto Pvt. Ltd.,
Represented by its Authorised Person,
Thiru R.Ganesh,
C-7, Panki Site-III, UPSIDC,
Industrial Area, Kanpur,
Uttar Pradesh – 208022 ... Petitioner

Vs.

1.The Transport Commissioner &
Commissioner of Road Safety,
Guindy, Chennai – 600 032.
2.The Joint Transport Commissioner ®
Commissionerate of Transport and
Road Safety,
Guindy, Chennai – 600 032 ... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the second respondent in R.No.1055/HA2/2025 dated 26.06.2025 and to quash the same and further direct the respondents to communicate to all the Registering Authorities and Assistant Registering Authorities to register the JSA Victory Plus CNG 5+1 Three-Wheeler Passenger (JSA Model) vehicles of the petitioner based on the type approval certificate No.AASA04092 dated 23.05.2023 issued by the testing agency ARAI, Pune.

For Petitioner :Mrs.Radhagopalan, Senior Counsel,
for Mr.A.Ganesan

For Respondents :Mr.M.Shahjahan,



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Special Government Pleader
ORDER

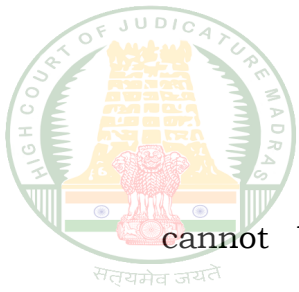
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I heard Mrs.Radhagopalan, learned Senior Counsel for Mr.Ganesan for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader for the respondents.

2. The petitioner seeks for the following reliefs:

“to call for the records of the second respondent in R.No.1055/HA2/2025 dated 26.06.2025 and to quash the same and further direct the respondents to communicate to all the Registering Authorities and Assistant Registering Authorities to register the JSA Victory Plus CNG 5+1 Three-Wheeler Passenger (JSA Model) vehicles of the petitioner based on the type approval certificate No.AASA04092 dated 23.05.2023 issued by the testing agency ARAI, Pune.”

3. The petitioner is a manufacturer of light motor vehicle possessing three wheels. The seating capacity of the vehicle is 5+1. The petitioner applied for and obtained a certificate from the appropriate authority, namely, The Automotive Research Association of India on 23.05.2023. In order for the vehicles manufactured by the writ petitioner to ply/run in the State of Tamil Nadu, it applied for a Type Approval Certificate to the first respondent. It also paid the appropriate amount as required under Rule 132 of the Tamil Nadu Motor Vehicle Rules, 1989. The petitioner also followed up the application with reminders. The said application came to be rejected by the impugned order stating that the permission sought for under Rule 88A



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cannot be granted because share auto permits are issued under a Government Scheme in G.O.Ms.No.1058 dated 17.07.1997, and G.O.Ms.No.277 dated 22.03.2021. Aggrieved by the same, the present writ petition.

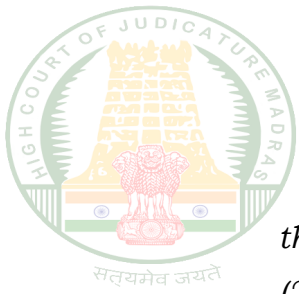
4. I have carefully considered the submissions made on either side and have gone through the records and have applied my mind to the facts and circumstances of the case.

5. The State of Tamil Nadu amended the Tamil Nadu Motor Vehicle Rules of 1989. This was in G.O.Ms.No.65 Home (Transport-V) dated 01.02.2018. In terms of the said amendment, the State inserted Section 88A to the Rules. The said Rule reads as follows:

"88-A. Communication of Type Approval Certificates,-

(1) Every manufacturer or importer of motor Vehicles shall file an application in FORM CTACA to the Transport Commissioner enclosing the Type Approval Certificate and the certificate as to the compliance to the provisions of the Act and these rules obtained from the agencies specified in Rule 126 of Central Motor Vehicles Rules, 1989 for communicating the same to all the Registering Authorities / Assistant Registering Authorities in this State for registration of a new model Vehicle or its variants:

Provided that in case of Vehicles imported into India, the importer shall produce the type approval certificate issued by



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the approved testing agencies in the respective countries.

(2) Every application under sub-rule (1), shall be accompanied with a fee specified in the Table under rule 132.

(3) On receipt of the application under sub-rule (1), the Transport Commissioner, shall, after scrutiny of the application, issue the communication order.

6. A perusal of the aforesaid Rule shows that every manufacturer of a motor vehicle is mandated to file an application in Form CTACA to the Transport Commissioner for the purpose of registration of a new model or variant. At the time of making this application, the manufacturer will have to enclose a type approval certificate and the certificate obtained from testing agencies as contemplated under Rule 126 of the Central Motor Vehicle Rules of 1989.

7. The purpose of filing an application under Rule 88A is to enable the Transport Commissioner to inform about the approval granted to the said vehicle by the approved Agencies under Rule 126 of the Central Rules, to all registering authorities/assistant registering authorities in the State so as to enable the registration of the new model of vehicle or its variants. The said Rule has nothing to do with any scheme that might be brought about by the Government with respect to issuance of permits. Rule 88A is a situation, which arises even before the vehicle or its variant is sold in the market. The manufacturer applies to the State so that the State will inform all the subordinate authorities under it that a new model/variant has come into



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being and the said vehicle has been approved in terms of Rule 126 of the Central Motor Vehicle Rules.

8. Unfortunately, in the present case, the second respondent has confused the application under Rule 88A as one seeking permit for vehicles. As to how the application under Rule 88A must be disposed of has been contemplated under Rule 88(3). In case, the application filed by the manufacturer conforms to Rule 126 of the Central Motor Vehicle Rules and the details given therein are complete, the second respondent is duty bound to communicate the same to all the registering authorities and assistant registering authorities. This is clear from the use of the word “Shall” under Rule 88A(1) and 88A(3). The impugned order reeks of non-application of mind as the authority has confused Rule 88A as one seeking permit.

9. In the light of the above, I am left with no other option but to quash the impugned order. There shall be a mandamus to the respondents to apply Rule 88A(1) read with Rule 126 of the Central Motor Vehicle Rules, and if the model manufactured by the petitioner complies with the requirements as aforesaid, the necessary communication order as required under Rule 88(A)(3) shall be issued. This process shall be completed within a period of eight weeks from today.

10. The writ petition stands allowed. No costs. Consequently, the



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connected miscellaneous petitions are closed.

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Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To

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