



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **C.KUMARAPPAN**

W.A.No. 3610 of 2024

Shanthi

...Appellant

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 Appeal filed under Clause 15 of the Amended Letters Patent,
1865 to set aside the order passed in WP No.25740 of 2024 dated
03.09.2024.



For Appellant : Mr.M.Mohamed Afridi

For Respondents : Mr.P.Balathandayutham
Additional Govt. Pleader

J U D G M E N T

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

The SUV belonging to the appellant was seized as the same was not registered and registration of the said vehicle became impossible since registration of BS4 Vehicles was banned with effect from 31.03.2020. The appellant was found operating the vehicle with a temporary registration, Registration No.”TN30BFT4289”. Upon seizure, the appellant made a representation on 16.08.2024 and also sought for release of the vehicle. The Writ Court dismissed the petition on the ground that since registration is not possible, the appellant’s vehicle cannot be released. Aggrieved the appellant has come up with this Appeal.

2. It is the main contention of the learned counsel for the appellant that the vehicle is the property of the appellant and possession of the vehicle cannot be denied to the appellant, even though she can be prevented from



plying it on the roads. Therefore, the appellant seeks release of the vehicle.

Pursuant to our direction, the appellant has filed an affidavit wherein she has undertaken to comply with the conditions imposed by this Court and she will not use the vehicle on road until further orders from this Court.

3. Upon being queried the learned Additional Government Pleader states that there are no criminal cases pending against the appellant regarding user of this vehicle.

4. The Registration of the vehicle is out of question as of today. An unregistered vehicle cannot be allowed to ply on the roads. However, considering the fact that the vehicle itself is the property of the appellant and the fact that there are no other criminal cases, for violation of any law regarding user of this vehicle by the appellant. We direct release of the vehicle to the appellant to enable the appellant to dismantle it and dispose it of in the presence of the Regional Transport Officer, Dharmapuri.

5. The Regional Transport Officer shall ensure that the vehicle is



dismantled and disposed of in his presence. With the above condition, we direct release of the vehicle to the appellant within a period of eight weeks from the date of receipt of a copy of this order. The Regional Transport Officer, Dharmapuri, who is in custody of the vehicle, shall intimate the appellant, the date and time on which the appellant would take possession of the vehicle and dismantle it in the presence of the Regional Transport Officer concerned.

6. The Writ Appeal is disposed of with the above direction. There shall be no order as to costs.

(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)
02.01.2025

jv

Index : Yes/No

Neutral Citation : Yes/No

Speaking Order/Non Speaking order

Note: Issue order copy on 03.01.2025



To

WEB COPY

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R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

jv

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