



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 225 of 2024

and

WMP Nos. 271 & 272 of 2024

Eswari

..Petitioner(s)

Vs

1. The Regional Transport Officer,
The Registering Authority,
Namakkal North, Namakkal District.
2. The Regional Transport Officer,
The Registering Authority,
Chennai- South West,
Chennai District.
3. The State Transport Authority,
Viz., The Commissioner,
Commissionerate of Transport,
Chepauk, Chennai.
(R3- Suo Motu Impleaded As Per Order Dated
20.03.2024 in WP.225/2024 By PDAJ)

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the Impugned Order of the 1st Respondent in his Proceedings in Pros.R.No.8475/A2/2023 dated 12.07.2023 and quash the same and consequently direct the 1st Respondent to release the petitioner's vehicle bearing registration TN 22 CH 1673 to the Petitioner.

For Petitioner(s):

Mr.J.Jayan

For Respondent(s):

Mrs.S.Anitha, SGP

**ORDER**

This writ petition is filed to call for the records of the impugned order of the first respondent in his Proceedings in Pros.R.No.8475/A2/2023 dated 12.07.2023 and quash the same and consequently direct the first respondent to release the petitioner's vehicle bearing registration TN 22 CH 1673 to the Petitioner.

2. The case of the petitioner is that the petitioner has purchased a four wheeler i.e., Trax Cruiser from one K.Murugan, bearing Registration No.TN 22 CH 1673 for a sale consideration of Rs.6,00,000/-. Thereafter, the first respondent inspected the vehicle and transferred a registration certificate in the name of the petitioner. Under these circumstances, a show cause notice dated 19.05.2023 was issued by the first respondent for cancellation of registration certificate, alleging that the said vehicle was registered by fraudulent user ID, wherein non-payment of appropriate fee and taxes caused revenue loss to the Government. Whiles, the first respondent passed an order dated 12.07.2023 by cancelling the certificate of registration and ordered for surrender of said vehicle's registration certificate. Challenging the same, the petitioner has come forward with the present writ petition.

3. Learned counsel of the petitioner would submit that the petitioner has surrendered the registration certificate before the first respondent. Pursuant to



which, the respondents have seized the vehicle and retained the same by virtue of the vehicle inspection record dated 01.10.2022. It is further submitted that this Court in similar writ petition has passed an order for releasing the vehicle subject to certain terms and conditions. Accordingly, he prays for appropriate order.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. As per the impugned order dated 12.07.2023, the petitioner has surrendered the registration certificate of the said vehicle. However, beyond the scope of the impugned order, the respondents have retained the vehicle by virtue of vehicle inspection record dated 01.10.2022. Further, it is apropos to mention that the issue in this writ petition is no longer *res-integra* and the same is covered by the dictum laid down by this Court in W.P.No.7333 of 2023 dated 20.04.2023, wherein permission was granted to the petitioner therein to take custody of the vehicle on certain terms and conditions. For better appreciation, the relevant portion of the said order is extracted hereunder:

"9. On the other hand, if the vehicles are going to be kept in the RTO office, it will be exposed to rain and shine and ultimately, it will become a scrap over a period of time. Under such circumstances, it will not be of any use either to



petitioner or to the authorities. It is only under these circumstances, the learned single Judge of this Court had passed earlier orders permitting the petitioners therein to take custody of the car by giving undertaking. Some consistency must be maintained while passing orders and this Court is also inclined to permit the petitioner to take custody of the car subject to the following conditions:

a) The petitioner is directed to give an undertaking before the concerned RTO that the car will be kept in the residence and it will not be put to use at any point of time.

b) The petitioner shall surrender the original RC book and also the original insurance policy to the concerned RTO.

c) The petitioner shall attend the enquiry conducted by the RTO or any other authority and shall co-operate in providing the details as to the person from whom the car was purchased, the amount that was given etc. The petitioner is permitted to take back the car only on the strict compliance of this condition.

d) The petitioner shall submit a monthly report before the concerned RTO reiterating that the vehicle has not been put to use and that the undertaking given at the time of taking custody of the car is strictly complied with.

e) The vehicles that have been fraudulently registered have been identified and the Registration Numbers are already available with the authorities. Hence, there shall be a direction to the 1st respondent to send the details of these vehicles to all the Police Stations through the Superintendent of Police / Commissioner of Police and the Traffic Police shall ensure that the vehicles which are yet to be seized are seized and handed over to the concerned RTO office. There shall be a perfect co-operation between the Transport



Commissioner and the Police officials in this regard.

f) There shall be a direction to identify all the accused persons who are involved in this racket and proceed further with the investigation and complete the same, as expeditiously as possible and

g) The Director General of Police, Tamil Nadu shall issue a circular to all the Police Stations concerned in Tamil Nadu to ensure that not a single vehicle which falls under the category of BS IV which has been fraudulently registered is allowed to ply in the roads and any vehicle falling under this category can be seized and it shall be handed over to the concerned RTO office. A copy of this order shall also be marked to the Director General of Police, Tamil Nadu in this regard.

6. By following the law laid down by this Court in W.P.No.7333 of 2023 dated 20.04.2023, this Court directs the respondents to release the vehicle and permits the petitioner to take custody of the same, subject to the conditions stated supra.

With the aforesaid observation and direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

04-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
VM



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KRISHNAN RAMASAMY J.

VM

To:

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The Registering Authority,
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Namakkal District.
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