

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2017

CORAM

THE Hon'ble Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.654 of 2017

P.Ganesh

...

PETITIONER

Vs

The Regional Transport Officer
Salem(South),
Salem District.

... RESPONDENT

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified mandamus calling for the records relating to Na.Ka.No.24155-A3-2016 dated nil.11.2016 (signed on 22.12.2016) on the file of the respondent quash the same consequently directing the respondent to register petitioner vehicle Mahindra Bolero Camper PS 4WD 5 Seater BS-III bearing Engine No. GHG4F64004 Chasis No.MA1RU4GHKG3G97973 as, non-transport light motor vehicle for the agricultural purpose.

For Petitioner : Mr.R.Ezhilarasan

For Respondent : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

This writ petition is filed for issuance of writ of certiorarified mandamus calling for the records relating to Na.Ka.No.24155-A3-2016 dated nil.11.2016 (signed on 22.12.2016) on the file of the respondent, quash the same consequently directing the respondent to register petition vehicle Mahindra Bolero Camper PS 4WD 5 Seater BS-III bearing Engine No. GHG4F64004 Chasis No.MA1RU4GHKG3G97973 AS non transport light motor vehicle for the agricultural purpose.

2. According to the petitioner, he is having agricultural lands in S.Nos.198/2, 198/4, 198/5, 200/1 and 200/3, totally measuring an extent of 2.68.5 hectares in the Thippampatti Village in Salem District. For the purpose of agriculture, he purchased Mahindra Bolero Camper PS 4WD 5 Seater BS-III bearing

Engine No.GHG4F64004, Chassis No.MA1RU4GHKG3G97973 and to register the said vehicle, he submitted application to the respondent on 26.10.2016. The respondent rejected the request of the petitioner to register the vehicle as non-transport vehicle, vide impugned proceedings in Na.Ka.No.24155-A3-2016 dated nil.11.2016.

3. Mr.R.Ezhilarasan, learned counsel for the petitioner would submit that the application of the petitioner was rejected on the ground that he might be using the vehicle for commercial purpose. It is further submitted that the petitioner purchased the vehicle only for agricultural operation and the respondent, without having any materials has come to the conclusion that the petitioner may be using the vehicle for non-agricultural purpose and therefore the impugned order is liable to be set aside. It is further submitted that in similar circumstances, this court, in WP No.11378 of 2016 & WMP No.9838 of 2016 has directed the registering authority to register the Mahindra Bolero vehicle as non-transport vehicle.

4. Mr.Akhil Akbar Ali, learned Government Advocate appearing for the respondent would submit that as per the motor vehicle rules, the petitioner is having an alternative remedy of filing appeal and therefore the writ petition is liable to be dismissed.

5. It is not in dispute that the petitioner is the owner of agricultural lands, as stated above. It is the specific case of the petitioner that the Mahindra Bolero vehicle is purchased only for agricultural purpose and he will not use the same for any other commercial purpose. This Court, in WP No.11378 of 2016 dated 12.04.2016 has set aside the similar impugned order and directed the respondent to register the vehicle as non-transport vehicle. Following the same, the impugned order in Na.Ka.No.24155-A3-2016 dated nil.11.2016 (signed on 22.12.2016) passed by the respondent is set aside and the matter is remitted back to the respondent to consider the petitioner's application for registering the vehicle as non-transport vehicle, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With this observation, the writ petition is allowed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

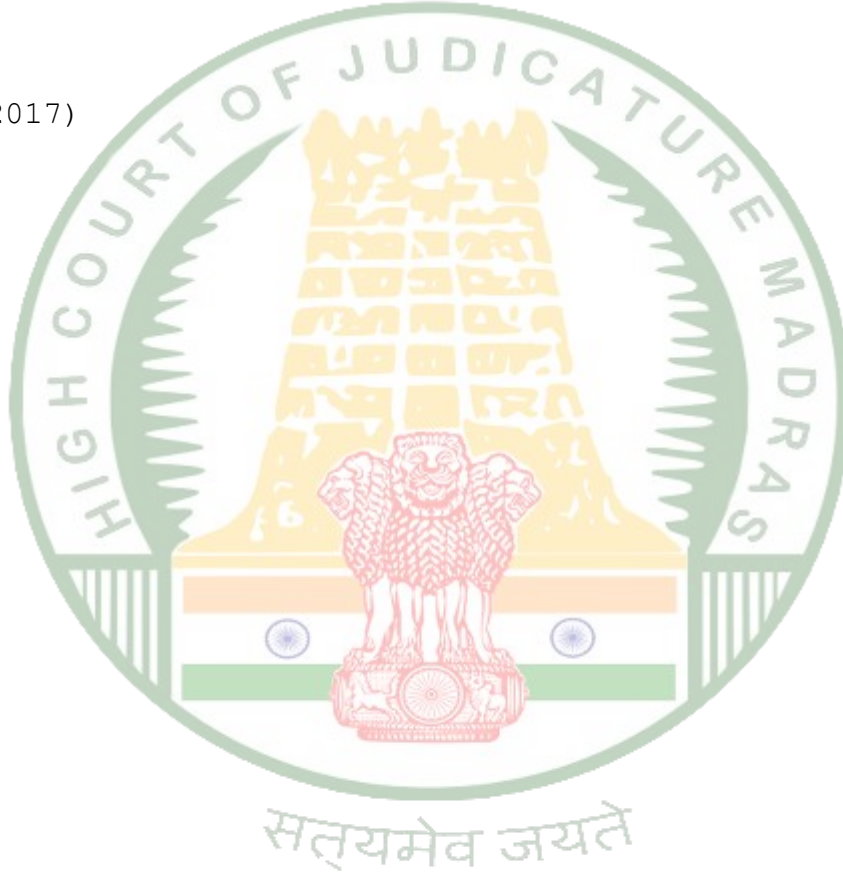
The Regional Transport Officer
Salem(South),
Salem District.

+1cc to Government Pleader SR. 13541

+1cc to Mr.R.Ezhilarasan SR. 13099

W.P.No.654 of 2017

RV(CO)
VR(06/03/2017)



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