

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

WRIT PETITION NO: 9570 OF 2022

Between:

M/s Travelex India Services, H.No.5-38, Ibrahimpatnam, Kongara Kalan,
Ranga Reddy District - 501510, Telangana Rep. by its proprietor Kushal
Kumar Agarwal

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary. Transport Department, Secretariat Building, Hyderabad.
2. The Transport Commissioner, Dr. B.R. Ambedkar Transport Bhavan, Khairatabad Road, Beside Press Club, Hyderabad.
3. The Secretary, Regional Transport Authority. Ibrahimpatnam, Ranga Reddy District, Office at Manneguda.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ order or direction especially one in the Nature of Writ of Mandamus declaring the action of the 3rd respondent in not entertaining the application for registration of BS-IV vehicle bearing Temporary Registration Mark No.DL/51/TMP/2019/4672 bearing Engine No.D67032503, Chassis No.MC1E4DFA3K038359 as illegal, arbitrary, contrary to the provisions of Central Motor Vehicles Act and rules made there under and also contrary to the orders of the Honourable Supreme Court in IA No.102618 of 2020 and batch in M.C. Mehta s case dt.30/11/2021 and consequently direct the 3rd respondent to receive the application of the petitioner for registration of BS-IV vehicle bearing Temporary Registration Mark No.DL/51/TMP/2019/4672. bearing Engine No.D67032503, Chassis No.MC1E4DFA3K038359 and process the same in accordance with law without objecting on the ground of BS-IV model .

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent to receive the application of the petitioner for registration of BS-IV vehicle bearing Temporary Registration Mark No.DL/51/TMP/2019/4672, bearing Engine No.D67032503, Chassis No.MC1E4DFA3K038359 and process

the same in accordance with law without objecting on the ground of BS-IV model, pending disposal of the main writ petition .

Counsel for the Petitioner: SRI. CH RAVINDER

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

W.P. No.9570 of 2022

ORDER:

This writ petition has been filed by the petitioner seeking a writ of mandamus declaring the action of the 3rd respondent in not entertaining the application for registration of BS-IV vehicle bearing temporary registration mark No.DL/51/Temp/2019/4672, bearing engine No.D67032503, Chasis No.MC1E4 DFA3K038359 as illegal and arbitrary.

2. It is the case of the petitioner that the petitioner has purchased the BS-IV vehicle on 13.07.2019 and made temporary registration on 23.08.2019. However, when the same was presented for registration, it was returned with certain objections. It is submitted that for some time, the registration of BS-IV vehicles was banned and the same was challenged before the Hon'ble Supreme Court and the Hon'ble Supreme Court in I.A. No.102618 of 2020 in W.P. (civil) No.13029 of 1985 had directed that where the vehicles have been purchased prior to the cut-off date i.e. 31.03.2020, the Registration authority may scrutinize the records to ensure that the sales are genuine

and that have taken place prior to cut-off date and thereafter register the same.

3. The learned counsel for the petitioner submits that in view of the Hon'ble Supreme Court judgment, the petitioner's application for registration of the subject vehicle should be considered.
4. The learned Government Pleader for Transport however submits that the petitioner has to make online application for registration and if such application is made, the authorities will consider and process the same in accordance with law.
5. In view of the submissions of both the parties, the petitioner is directed to make a fresh application to the 3rd respondent online and thereafter, the 3rd respondent shall consider and process the same in accordance with the directions of the Hon'ble Supreme Court.

Accordingly, this writ petition is disposed of. No order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/-PADMANABHA REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary State of Telangana, Transport Department, Secretariat Building, Hyderabad.
2. The Transport Commissioner, Dr. B.R. Ambedkar Transport Bhavan, Khairatabad Road, Beside Press Club, Hyderabad.
3. The Secretary, Regional Transport Authority. Ibrahimpatnam, Ranga Reddy District, Office at Manneguda.
4. One CC to Sri. CH RAVINDER Advocate [OPUC]
5. Two CCs to GP FOR TRANSPORT ,High Court for the State of Telangana. [OUT]
6. Two CD Copies
7. One spare copy

Rsn
BS



HIGH COURT

DATED:22/02/2022



ORDER

WP.No.9570 of 2022

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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2/3/22
Hv4