

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE SATHISH NINAN

Tuesday, the 29<sup>th</sup> day of March 2022 / 8th Chaithra, 1944  
WP(C) NO. 5010 OF 2022(A)

**PETITIONER:**

SATYENDRA KUMAR JHA, AGED 42 YEARS, E-35 ISRO STAFF QUARTERS,  
THUMBA, THIRUVANANTHAPURAM, PIN - 695022

**RESPONDENTS:**

1. THE SECRETARY (TRANSPORT), STATE GOVERNMENT OF KERALA, ROOM NO. 391, IST FLOOR, MAIN BLOCK, GOVT. SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. THE TRANSPORT COMMISSIONER, MOTOR VEHICLE DEPARTMENT, STATE GOVERNMENT OF KERALA, 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, TYCAUD PO, THIRUVANANTHAPURAM, PIN - 695014
3. THE SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, GOVT. OF INDIA, NEW DELHI, PIN - 110001

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct 1st and 2nd respondents to consider the representation dated 27-01-2022 preferred by the petitioner and to pass orders allowing the registration of petitioners car with BH registration number, pending final disposal of this writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 16/02/2022 and upon hearing the arguments of SATYENDRA KUMAR JHA (Party-In-Person) for the petitioner and of GOVERNMENT PLEADER for R1 & R2 (B/O), the court passed the following:

SATHISH NINAN, J.

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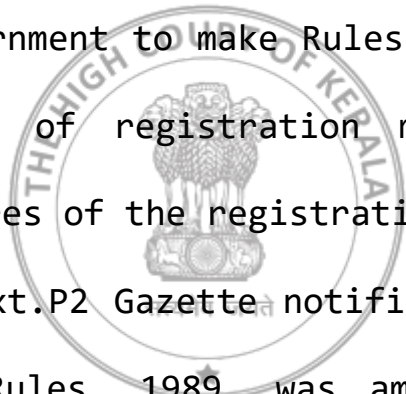
W.P.(C) Nos.30887 of 2021, 5010 & 2564 of 2022

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Dated this the 29<sup>th</sup> day of March, 2022

O R D E R

Section 41 of the Motor Vehicles Act, 1988, provides as to how a motor vehicle is to be registered. Sub-section (6) of Section 41 provides for assignment of registration mark for the vehicle. Section 64 empowers the Central Government to make Rules with regard to the manner and form of registration mark including the letters and figures of the registration mark.



2. As per Ext.P2 Gazette notification, the Central Motor Vehicles Rules, 1989, was amended. The amended Rules 47, 48, 50, 51B and 54 provide for assignment of “BH series” registration mark for vehicles owned by persons who satisfy the criteria mentioned therein.

3. Rule 51B of the amended Central Motor Vehicles Rules, provides the rate of tax and also the option for payment of tax for two years. According to the Special

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Government Pleader, Tax is included as entry No.57 in the State List under the VII<sup>th</sup> schedule to the Constitution, and the State has the right to fix the tax payable. The State is yet to take a decision on the same and hence the request of the petitioners for assigning BH series registration cannot be granted, he contends. He further contends that under the amended Rules the benefit of BH series registration can be availed only by a particular class of persons who have their place of work within many States as stipulated under the amended Rules. There is every chance of misuse of the provision by transfer of the vehicle by the owner who obtains BH registration to another who does not satisfy the requirements to hold a BH registration, he adds.

4. The manner and form of registration in BH series having already been brought in by the Central Government, the State Government is bound to consider the request of the petitioners for registration of the

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vehicles in BH series. The request cannot be kept pending on the reasons suggested by the Special Government Pleader.

5. In the light of the above, following interim directions are issued:-

(i) The application for registration of the vehicles of the respective petitioners in BH series shall be considered in accordance with law and in the light of the criteria regarding eligibility fixed under the amended Rules.

(ii) The vehicles of the eligible petitioners in terms of the direction in clause-1 above shall be registered in BH series on they remitting tax in accordance with the amended Central Motor Vehicles Rules as provided for registration as BH series.

(iii) The payment of tax as indicated in clause-2 above shall be provisional and subject to further orders to be passed in these writ petitions.

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(iv) The balance tax, if any, found/held by this Court as payable, shall be paid by the respective petitioners.

(v) The balance/remaining tax if any payable as above, shall be a charge on the respective vehicles.

(vi) The vehicles as above shall not be alienated/transferred without obtaining orders from this Court.

For counter affidavit, post on 07.06.2022.



Sd/-  
**SATHISH NINAN**  
**JUDGE**

kns/-

//True Copy//

P.S. to Judge

