



W.P.No. 26215 of 2021
and W.M.P.Nos.27670 & 27671 of 2021

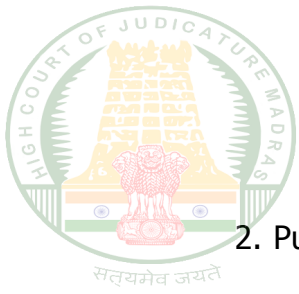
R.SURESH KUMAR, J.

It is brought to the notice of this Court by Mr.M.Palani, learned counsel appearing for the petitioner federation that, though power has been granted to the Central Government under the provisions of the Motor Vehicles Act to frame Rules with regard to the permission / license and maintenance of driving schools, by the State Government and in this regard, Rule 24 of the Central Motor Vehicle Rules having been made, where, since there has been no specification with regard to the age of the vehicles to be maintained by the driving school, the State authorities ie., the respondents have issued a Circular in Circular No.62 of 2011 dated 11.11.2011, wherein under Clause 8.1.1., the following has been stated.

“8.1.1. Every licensee shall maintain the vehicles used by him for imparting training to the candidates in a mechanically fit condition and

(i) At no point of time the age of the motor cycle and light motor vehicle shall be more than 8 years. This should be complied with on or before 31.03.2012.

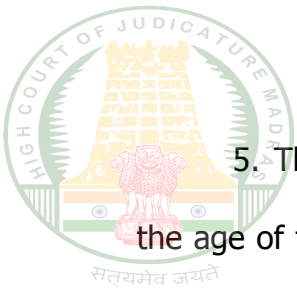
(ii) At no point of time the age of Heavy Motor Vehicle shall be more than 10 years and it should be complied with on or before 30.09.2012.”



2. Pursuant to the said direction issued in the said circular, most of the driving schools, which are members of the petitioner federation, had replaced the old vehicles by new vehicles sometime in the year 2012, as the last date fixed in this regard by Clause 8.1.1. was 31.03.2012 and 30.09.2012 for Light Motor Vehicle and Heavy Motor Vehicle respectively.

3. Since for those vehicles which were pressed into service from the year 2012, the eight years period prescribed in the said Clause 8.1.1. had lapsed either in 2020 or 2021, now the authorities serving under the respondent Department are insisting upon the members of the petitioner federation to replace the existing vehicles by bringing in new vehicles.

4. In this context, the difficulty expressed on behalf of the petitioner federation by the learned counsel for the petitioner is that, due to COVID-19 first wave as well as the second wave, both in the year 2020 and 2021, most of the period these driving schools were closed and therefore, the new vehicles which were pressed into service in the year 2012 were not put to use during the said period. Therefore, the eight years period prescribed under Clause 8.1.1. of the Circular referred to above itself cannot be strictly put against the members of the petitioner federation by compelling them to replace the existing vehicles by bringing in new vehicles.



5. The learned counsel for the petitioner would also contend that, insofar as the age of the vehicle is concerned, the relevant provisions of the Motor Vehicles Act provided in Section 41(7) reads thus :

“41(7) A Certificate of registration issued under sub-section (3) whether before or after the commencement of this Act, in respect of a motor vehicle, other than a transport vehicle, shall, subject to the provisions contained in this Act, be valid only for a period of fifteen years from the date of issue of such certificate and shall be renewable.”

6. Under the said provision, the Registration Certificate given to any vehicle other than a transport vehicle will be valid for a period of 15 years.

7. When that being so, whether this kind of restriction can be put against the members of the petitioner federation i.e., the vehicles shall not be put to use beyond eight years and whether such restriction would be justifiable or not, that too by way of a Circular, is the moot question to be decided.

8. Be that as it may. Learned counsel for the petitioner submits that, the present insistence by the respondent on the members of the petitioner federation to replace the vehicles being put in use by new vehicles immediately is not only against the provisions referred to above, but also having not taken note of the fact that due to COVID-19 pandemic for the past 1 ½ years, the vehicles have not been put to use by the members of the petitioner federation.



9. Having heard the submissions made by the learned counsel for the petitioner and after having gone through the relevant provisions referred to above under the Motor Vehicles Act and the Rules made therein, and also having gone through the impugned clause ie., 8.1.1. of the Circular dated 11.11.2011, this Court feels that, some interim arrangement can be made.

10. Accordingly, this Court is inclined to grant an order of injunction restraining the respondents and their men, from insisting upon the members of the petitioner federation to replace their existing vehicles being used or pressed into service by the members of the petitioner federation merely because those vehicles have completed eight years life period in consonance with the impugned Clause 8.1.1 of the Circular No.62 of 2011 dated 11.11.2011, for a period of four weeks.

11. Mr.V.Manoharan, learned Additional Government Pleader takes notice for the respondent and he seeks time to file counter. Post the matter on **07.01.2022**.

09.12.2021

KST

Note : Issue order copy on 10.12.2021



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(Next Date of Hearing :

07.01.2022)

09.12.2021