

File No : E3/944/2024-TC

Date : 16-01-2025



Transport Commissionerate, 2nd floor, Transport Commissionerate

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Circular No. 25 /2024

Subject:- MVs.Dept-Stringent action against vehicles dumping waste illegally - cancellation of registration of vehicles dumping waste in public places and water bodies-orders issued

Reference :- Minutes of the meeting chaired by Additional Chief Secretary to Government on 08-08-2024

In the meeting chaired by the Additional Chief Secretary to Government on 08-08-2024, it has been decided to cancel registration of those vehicles dumping waste in public places and water bodies. The matter has been examined in detail and hereby orders issued to take stringent action against such vehicles, including registration cancellation under clause (a) of sub-section (1) of section 53 of MV Act based on the following observations:-

As per clause (a) of sub-section (1) of section 53 of MV Act, a registering authority or other prescribed authority can suspend a vehicle's registration if they have reason to believe that any motor vehicle within its jurisdiction is in such a condition that its use in a public place would constitute a **danger to the public**, or that it fails to comply with the requirements of this Act or of the rules made thereunder.

One of the definitions given for the term '**danger to the public**' in clause (5) of sub-rule (1) of rule 21 of CMVR is "Transport of goods prohibited under any law" can be made applicable to clause (a) of sub-section (1) of section 53 of the Act.

The alleged offence comes under section 24 of the Water (Prevention and Control of Pollution) Act, 1974 and punishable under section 43 of the said Act.

Hence with regard to the item 18 of the meeting chaired by Additional Chief Secretary to Government, the offence can be treated as "Transport of goods prohibited under any law", especially because the waste has been transported in

order to dump illegally in public places and water bodies.

Though there is no direct provision for cancellation of registration under section 53, 54 and 55 of MV Act, for the alleged offence , the registration can be cancelled by invoking the provisions of clause (a) of sub-section (1) of section 53 of MVAct, upon issuance of challan or upon registering of FIR for such offence.

In the circumstances all registering/licensing Authorities are hereby directed to take legal steps to cancel the registration of the vehicles committing the offence of dumping waste in water bodies or public places up on receipt of report from LSGD in the prescribed proforma and to furnish action taken report in the monthly conference of the Transport Commissioner.

NAGARAJU CHAKILAM IPS
TRANSPORT COMMISSIONER

Copy:

1 CAs to Transport Commissioner / Joint Transport Commissioner / Joint Transport Commissioner (Enforcement) / Senior D.T.C (Tax) / Senior Administrative Officer / Senior Finance Officer / Senior Law Officer .

2 Statistical Officer / Assistant Transport Officer / Accounts Officer / Accounts Officer (Audit).

3 All Deputy Transport Commissioners / Regional Transport Officers / Joint Regional Transport Officers / Motor Vehicle Inspectors - Check post for necessary action

4 Nodal Officer (Website) / S.S.G.Cell / M.I.T 2 Section (To Publish on www.mvd.kerala.gov.in)

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