

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2015

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.32435 of 2015

and

M.P.No.1 of 2015

1.S. Ravi Shankar
2.S.Sudhesh
3.L.M.Babu
4.R.Manjunath
5.K.Maruthi
6.S.Raja

... Petitioners

Vs.

1. The Secretary,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai-9.
2. The District Collector,
Krishnagiri District.
3. The Commissioner,
Hosur Municipality,
Krishnagiri District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents Nos. 1 to 3 to consider the petitioners representation dated 11.07.2015 and forbearing the collection of road tax by the private contractors in and around Hosur Taluk for operation of drinking water supplying vehicles.

For petitioners : Mr.T.Sundaravadanam

For RR1 & RR2 : Mr.V.Jayaprakash Narayanan
Special Government Pleader

For RR3 : Mr.N. Subbarayalu

O R D E R

By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

2. Writ petitioner is filed for issuance of a Writ of Mandamus directing the respondents Nos. 1 to 3 to consider the petitioner's representation dated 11.07.2015 and forbearing the collection of road tax by the private contractors in and around Hosur Taluk for operation of drinking water supplying vehicles.

3. The petitioners are running drinking water supply business through water tankers. However, Hosur Municipality is collecting road tax for the drinking water supply vehicles, which is not contemplated by the Municipality. Therefore, the petitioners gave a representation on 20.05.2015 and again on 11.07.2015 against the contractors, who have been collecting money from the vehicles illegally unlawfully as road tax from the water tanker lorries' owners. Since no action has been taken by the respondents, the petitioners have come before this Court.

4. Heard Mr.T.Sundaravadanam, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.N. Subbarayalu for third respondent.

5. When the matter is called today, Mr.N. Subbarayalu, learned counsel for the third respondent would peruse the proceedings dated 13.09.2015 stating that the tanker lorries cannot be levied with road tax and therefore, there should not be any collection of road tax by the private contractors. In this regard, already show cause notice was given to the contractors.

6. The learned counsel for the petitioner would submit that the persons, who are collecting road tax are not having any uniform or identity card and they are collecting money from all the vehicles even though they are not authorised. Taking into consideration the action taken by the third respondent, which is evident from the proceedings dated 14.09.2015, this Court passed the following order:

- i) The proceedings initiated against the contractors for

collection of road tax without authority have to be provided and appropriate action should be taken. The result should be informed to this Court by way of the report, mentioning the action taken.

ii) The third respondent is directed to introduce uniform to its employees and also to provide identity cards so that, no third party can disguise themselves and collect money from the employees and contractors.

Iii) The third respondent is directed to upload the entire income and expenditure account of the Municipality as done by other Municipalities in the official website.

With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

For reporting compliance, call the matter in the first week of January, 2016.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Gv

To

1. The Secretary,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai-9.
2. The District Collector,
Krishnagiri District.
3. The Commissioner,
Hosur Municipality,
Krishnagiri District.
4. The Section Officer,
Writ Section,
High Court, Madras.

+1cc to the Government Pleader, S.R.No.58595
+1cc to Mr.N.subbarayalu, Advocate sr.16163[25/11/2015]

W.P.No.32435 of 2015
and
M.P.No.1 of 2015

TM(CO)
CA(16/11/2015)



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