IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2015

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.21453 of 2013 &
M.P.Nos.1 & 2 of 2013

P.Logachandran ..Petitioner

Vs

1. The Secretary of Transport
   Fort St. George,
   Chennai-600 009.

2. The Principal Secretary,
   The Transport Commissioner,
   Chepauk,
   Chennai-600 005.

3. The Regional Transport Officer,
   Meenambakkam @ Alandur,
   Alandur,
   Chennai-600 016. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 04.07.2013 and accept the payment of the Annual Tax of Rs.15,000/- pertaining to the vehicle bearing No.TN-22-BM-6901.

For Petitioner : Mr.M.Arvind Subramaniam

For Respondents : Mr.Digvijayapandian,
Addl. Govt. Pleader

O R D E R

Heard Mr.M.Arvind Subramaniam, learned counsel for the petitioner and Mr.M.Digvijayapandian, learned Additional Government Pleader for respondents.

2. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle bearing Registration No.TN 22 BM 6901, which was purchased from M/s.Mercury Travels Limited.

The petitioner has obtained the permit for the said vehicle, which is valid upto 28.12.2015 and he was ready to pay the Life Time Tax immediately.

3. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that pursuant to the Circular, dated 6.8.2012, in respect of motor vehicles specified in Part II of Seventh Schedule, the registered owners of the vehicles have to pay the life time tax at the rates specified therein either at the time of renewal of permit or during the currency of the existing permit. He also submitted that the owners of the vehicles can exercise their discretion to pay the life tax either in one lump sum or on four equal installments. However, since the petitioner has failed either to pay the tax due or submit any explanation, without notice to him, it is presumed that he has no explanation to offer , but willing to operate for his vehicle on public road, the Regional Transport Authority, Kanchipuram, under the powers conferred on him under Section 86(1) of Tamil Nadu Motor Vehicles Taxation Act, 1974, cancelled the Contract Carriage Permit for the aforesaid vehicle with effect from 28.06.2013. However, it is further submitted that the petitioner was given time till 30.06.2013 to pay charges and make a request. However, since the amount was not paid by the petitioner, the relief sought in the writ petition may not be granted.

4.In reply, Mr.Aravind Subramaniam, learned counsel for the petitioner submitted that he had paid a sum of Rs.15,000/- towards life time tax and the same has been returned and the petitioner is ready and willing to pay the amount. Learned counsel for the petitioner drew the attention of this Court to the communication sent by the Regional Transport Officer, Meenambakkam @ Alandur, Chennai-600 0016 dated 02.09.2013, wherein, it has been stated that it is no doubt true that the amount sent by the petitioner by way of Bankers cheque, is only annual tax and not Life Time Tax.

5. This Court would not accept the contention of the learned Additional Government Pleader since by letter dated 02.09.2013, the petitioner has been given time to pay the Life-time Tax, there is no justification on the part of the respondents to deny the request of the petitioner and they are bound to accept the Life Time Tax. Giving a go bye to the cancellation order on 28.02.2013, the time may be extended by the Authority since the petitioner is willing to pay the Life Time Tax and other amounts due and payable by him to the Transport Department in one lump sum.

6. Taking note of the submission of both the parties, I direct the respondents to accept the amount already paid by the petitioner for plying the vehicle bearing Registration No. TN 22 BM 6901 and also to determine all charges due and payable by the petitioner

and communicate the same to the petitioner, within two weeks from the date of receipt of a copy of this order. On receipt of such information, the petitioner shall pay the amount to the respondents, within seven working days from the date of receipt of communication from the respondents. On payment of necessary charges by the petitioner as determined by the respondents, the Authorities shall re-issue the permit to the petitioner.

7. The Writ Petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (AD I)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary of Transport
   Fort St. George,
   Chennai-600 009.

2. The Principal Secretary,
   The Transport Commissioner,
   Chepauk,
   Chennai-600 005.

3. The Regional Transport Officer,
   Meenambakkam @ Alandur,
   Alandur,
   Chennai-600 016.

1 cc to Government Pleader, Sr. 5641
1 cc to M/s. Aravind Subramanian, Advocate, Sr. 5463

W.P.No.21453 of 2013
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