

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE Hon'ble Mr.JUSTICE M. DURAISWAMY

W.P.No.10416 of 2016

P. Manimaran

.... Petitioner

vs

The Regional Transport Officer,
Tiruvarur

..... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus forbearing the respondent from demanding authorisation tax of Rs.70,400/- vide N.Dis NO.a2/5282/2016 dated 4.3.2016 for the period from 30.3.2012 to 29.03.2016, for accepting surrender of national permit in respect of the petitioner's Goods Carrier Lorry, TN-50/E-7268, forthwith.

For petitioner : Mr.K. Hariharan
For respondent : Mr.A. Zakir Hussain
Govt. Advocate

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus forbearing the respondent from demanding authorisation tax of Rs.70,400/- for the period from 30.3.2012 to 29.03.2016, for accepting surrender of national permit in respect of the petitioner's Goods Carrier Lorry, TN-50/E-7268, forthwith.

2. It is the case of the petitioner that he is holding a Goods Carriage National Permit, issued by the respondent, in respect of the vehicle, bearing No.TN-50/E-7268, valid upto 29.03.2016, authorisation to ply in other States was valid upto 29.03.2012. Since the petitioner had incurred loss in the lorry business, he has decided to sell the vehicle. Therefore, on 4.3.2016, he made an application to surrender the permit in Form ACC, before the respondent. However, the respondent returned the application and directed the petitioner to pay the authorisation tax for other States from 30.03.2012 to 29.03.2016, amounting to Rs.70,400/-, for accepting the surrender of permit.

3. The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court allowed the Writ Petition, following the Order dated 05.08.2015, passed in W.P.No.23330 of 2015. The learned counsel also relied upon the order passed in WP No.30062 of 2015 dated 23.09.2015.

4. Mr.A. Zakir Hussain, learned Government Advocate, appearing for the respondent, submitted that the relief sought for by the petitioner in the present writ petition, is covered by the decision relied upon by the learned counsel for the petitioner.

5. Having regard to the submissions made by the learned counsel on either side, in the light of the Circular and by virtue of the earlier orders passed by this Court, the Writ petition stands allowed and the respondent is directed not to demand authorisation fee for the period from 30.3.2012 to 29.03.2016, for accepting surrender of National Permit, since the petitioner did not even renew the authorisation from 30.03.2012. No costs.

sr

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

The Regional Transport Officer,
Tiruvarur

+ 1 cc to Mr.K.Hariharan, Advocate SR 22371

ev(co)

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