

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.12601 of 2016

N. Karthikeyan

..... Petitioner

v.

The Regional Transport Officer,
Tiruvarur

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to a issue Writ of Mandamus forbearing the respondent from demanding authorisation Tax Rs.66,000/-, as authorisation fee vide m/jp/K No.7837/ m2/2016 dated 28.03.2016 for the period from 13.09.2013 to 13.3.2017 for accepting surrender of National Permit in respect of petitioner's Goods Carrier Lorry No.TN-28AB-7394 forthwith.

For Petitioner : Mr.A. Ganesan

For Respondent : Mr.A. Rajaperumal
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.66,000/-, as authorisation fee vide order dated 28.03.2016 for the period from 13.09.2013 to 13.3.2017 for accepting surrender of National Permit in respect of petitioner's Goods Carrier Lorry No.TN-28AB-7394 forthwith.

2. It is the case of the petitioner that the respondent issued Goods Carriage National Permit to the petitioner in respect of vehicle bearing Registration No. TN-28AB-7394 in the year 2016. The authorisation to ply throughout territory of India was valid upto 13.09.2013. Thereafter, the petitioner confined to operate the vehicle throughout Tamil Nadu only. But, the respondent issued Demand Notice, demanding tax for other States.

3. According to the petitioner, he incurred loss in the lorry business and decided to sell the vehicle on 28.02.2016 and made an application to surrender the permit in Form ACC before the respondent. However, the respondent returned the application with an endorsement dated 28.03.2016 calling upon the petitioner to pay other State tax of Rs.62,600- and renewal of authorisation fee at Rs.4,400/, in all totalling Rs.66,000/- for accepting the surrender of permit.

4. The learned counsel for the petitioner submitted that in similar circumstances, this Court, in WP No.23331/2015, by order dated 05.08.2015, relied upon the Circular, issued by the Transport Commissioner, Chennai dated 03.09.2001 and also following the similar orders, passed by this Court, allowed the writ petition, directing the respondent not to demand the authorisation tax for accepting the surrender of National permit since the petitioner did not even renew the authorisation after its expiry.

5. Mr.A. Rajaperumal, learned Government Advocate, taking notice for the respondent, submitted that the issued, involved in the present writ petition, is covered by the decision of this court made in WP No.23331/2015 dated 5.8.2015.

6. Following the order passed in the said writ petition, I allow the present writ petition, directing the respondent not to demand the authorisation tax of Rs.66,000/- as authorisation fee for the period from 13.09.2013 to 13.3.2017 for accepting surrender of National Permit. With this observation, the writ petition is closed. No costs.

sr

s/d-
Assistant Registrar(CO)

True Copy
सत्यमेव जयते
Sub-Assistant Registrar

To

The Regional Transport Officer,
Tiruvarur

+ 1 cc to Mr.A.Ganesan, Advocate, SR 21065

+ 1 cc to Govt.Pleader, High Court, Madras SR 21278

ev(co)
prk7/4

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