

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1511 of 2014
and
M.P.Nos.1 and 2 of 2014

P.Maran

... Petitioner

vs.

The Secretary,
Regional Transport Authority,
Redhills, Chennai - 600 007.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of the respondent herein pertaining to the order in Proc.R.No.36644/A2/2013 dated 19.09.2013 and quash the same and consequently, direct the respondent herein to make necessary endorsement in Contract Carriage Maxi Cab Permit of the petitioner in respect of his "TATA MAGIC" Vehicle bearing Registration No.TN-18-F-1884 by receiving the Road Tax with penalty.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Diwakar
Special Government Pleader

ORDER

Heard Mr.W.Camyles Gandhi, learned counsel appearing for the petitioner and Mr.S.Diwakar, learned Special Government Pleader appearing for the respondent. By consent, the writ petition is taken up for final disposal.

2.The petitioner has filed this writ petition challenging the order passed by the respondent dated 19.09.2013 by which the petitioner's Contract Carriage Maxi Cab permit has been cancelled on the ground that the petitioner has not remitted the road tax within the time permitted.

3.It cannot be disputed by the respondent that if there is a delay in remittance of the road tax penalty is leviable and the allegation made by the petitioner that in several cases the Transport Department has accepted the road tax along with penalty has not been specifically denied by the respondent in the counter affidavit. Furthermore, in the considered view of this Court the punishment imposed on the petitioner is disproportionate to the charge against the petitioner. Therefore, this Court is inclined to exercise its jurisdiction in the matter and interfere with the impugned order.

4.Accordingly, the writ petition is allowed, the impugned order is set aside and the respondent is directed to restore the Contract Carriage Maxi Cab permit in respect of TATA MAGIC vehicle bearing registration No.TN-18-F-1884 in favour of the petitioner subject to the condition that the petitioner pays the entire road tax along with penalty upto date. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Secretary,
Regional Transport Authority,
Redhills, Chennai - 600 007.

+1cc to the Government Pleader sr.62479

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