IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAISWAMY

W.P.No.8161 of 2016

S.Ramzan Sheriff ... Petitioner

Vs.

The Regional Transport Officer
Ulundurpet ... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take back the petitioner's application for surrender of permit without insisting the petitioner to pay the authorization tax as authorization fees demanded vide Aa. Thi.Mu.No. 1123/E1/2016, dated 04.02.2016 for the period from 24.12.2012 to 23.12.2015 for accepting surrender of National Permit in respect of petitioner Goods Carrier Lorry bearing Registration No. TN-21/J-3791.

For Petitioner : Ms.S.Radha Gopalan

For Respondent : Mr.A.Zakir Hussain
Government Advocate

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondent to take back his application for surrender of permit without insisting him to pay the authorization tax as authorization fees demanded by order dated 04.02.2016 for the period from 24.12.2012 to 23.12.2015 for accepting surrender of National Permit in respect of his Goods Carrier Lorry bearing Registration No. TN-21/J-3791.

2. According to the petitioner, the action of the respondent in returning his application for surrender of permit in respect of his Goods Carriage National Permit Vehicle TN-21/J-3791 is highly illegal and cannot be supported in view of the judgements of this court. Further, even according to the respondent, the authorization has not been renewed beyond 23.12.2012, then the respondent directing the petitioner to

pay the authorization tax for the non-renewed period viz., for the period from 23.12.2012 to 23.12.2015 is highly illegal and arbitrary.

3. Ms.Radha Gopalan, learned counsel appearing for the petitioner submitted that this court had already allowed the writ petitions seeking for the identical relief sought for in the present writ petition. In support of her contention, the learned counsel relied upon a judgement of this court dated 23.06.2015 made in W.P.No.17103 of 2015 wherein, this court following the order passed in W.P.No.26068 of 2014 in the case of S.Jaganathan v. The Regional Transport Officer dated 30.10.2014, wherein this court allowed the said writ petition and restrained the respondent from demanding authorization tax for the period from 24.09.2013 to 23.09.2014 for accepting surrender of National permit in respect of petitioner's goods therein.

4. It is also brought to the notice of this court that in view of the circular issued by the Transport Commissioner, Chepauk, Chennai, dated 03.09.2011, all the Regional Transport Officers are requested to accept the surrender of permit and renewal of authorization in respect of goods carriages covered by National permits, without insisting proof of payment of tax and payment of composite tax if authorization expired.

5. Mr.A.Zakir Hussain learned Government Advocate, appearing for the respondent submitted that the issue involved in the present writ petition is covered by the judgment of this court made in W.P.No17103 of 2015, dated 23.06.2015 and also the circular dated 03.09.2011.

6. Following the order passed in W.P.No17103 of 2015, dated 23.06.2015, I direct the respondent to take back the petitioner's application for surrender of permit without insisting him to pay the authorization tax as authorization fees for the period from 24.12.2012 to 23.12.2015 for accepting surrender of National Permit in respect of his Goods Carrier Lorry bearing Registration No. TN-21/J-3791.

With these observations, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Rj

To

The Regional Transport Officer
Ulundurpet.

+1cc to Ms.S.Radha Gopalan, Advocate, S.R.No.14417
+1cc to the Government Pleader, S.R.No.15004

W.P.No.8161 of 2016

SVI(CO)
CA(15/03/2016)