

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.8522 of 2016

S.Chithra

... Petitioner

Vs.

The Regional Transport Officer,
Tiruvarur.

.... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus forbearing the respondent herein from demanding the authorization tax Rs.52,800/- as authorization fee vide A.Thi.Mu.No. 4482/A2/2016 dated 25.02.2016 for the period from 29.04.2013 to 29.04.2016 for accepting surrender of National Permit in respect of petitioner's Goods Carrier Lorry No.TN 28 J 783 forthwith.

For Petitioner : Mr.A.Ganesan

For Respondent : Mr.M.S.Ramesh,
Additional Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus forbearing the respondent from demanding the authorization tax as authorization fee vide order dated 25.02.2016 for the period from 29.04.2013 to 29.04.2016 for accepting surrender of National Permit in respect of petitioner's Goods Carrier Lorry No.TN 28 J 783 forthwith.

2.The authorization tax is the other States tax collected by the Transport Authority of this State for the convenience of other State Transport Department. As per the Tamil Nadu Motor Vehicles Taxation Act 1974, the Motor Vehicles Tax can be collected by the Transport Officials for Tamil Nadu State only and not for other States. Hence, the respondent is incompetent to demand authorization tax for other States.

3.The learned counsel appearing for the petitioner submitted that the issue involved in the present Writ Petition is covered by the decision of this Court made in W.P.No.23331 of 2015 dated 05.08.2015 and also the Circular issued by the

Transport Commissioner dated 03.09.2001 (Circular No.36/2001).

4.Mr.M.S.Ramesh, learned Additional Government Pleader appearing for the respondents submitted that the relief sought for in the present Writ Petition is covered by the decision of this Court made in W.P.No.23331 of 2015 and the Circular dated 03.09.2001.

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 order passed by this Court, the Writ Petition stands allowed and the respondent is directed not to demand authorization tax as authorization fee for the period from 29.04.2013 to 29.04.2016 for accepting surrender of National Permit, since the petitioner did not even renew the authorization from 29.04.2013. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The Regional Transport Officer,
Tiruvarur.

+1 cc to Mr.A.Ganesan, Advocate, sr.15062
+1 cc to The Government Pleader, sr.15303

jss co
kra 14.03.2016

W.P.No.8522 of 2016

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