



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

C O R A M

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THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition(MD)No.16538 of 2016

and

M.P(MD)No.12064 of 2016

Sri.Venkateswara Vidhya Mandhir
Higher Secondary School,
represented by its Correspondent,
Mr.A.Muruganantham
Thalikkottai, Nattuchalai Post,
Pattukkottai Taluk,
Thanjavur District.

.. Petitioner

Vs.

1.The Regional Transport Officer, Thanjavur.
2.The Motor Vehicles Inspector,
Unite Officer,
Pattukkottai.

..Respondents

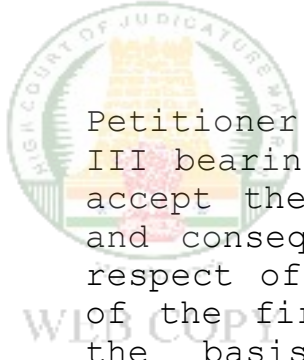
PRAYER : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to register the Petitioner's vehicle Mahindra Maximo Mini Van VX(8 seats) - BS-III bearing Engine No. MCF6E21026 Chasis No. MA1FC2MCRF6E34255 to accept the Motor Vehicles Tax, and to issue Fitness Certificate and consequently to issue the Educational Institution Permit in respect of the Petitioner school with reference to the proceeding of the first respondent vide E2/20101/2016, dated 11.5.2016.

For Petitioner : M/s.S.Govindaraman
For Respondents : Mr.T.R.Janarthanan
Addl.Govt.Pleader

O R D E R

Mr.T.R.Janarthanan, learned Additional Government Pleader takes notice for the respondents and by consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/>
2. Sri.Venkateswara Vidhya Mandhir Higher Secondary School,
represented by its Correspondent has come to this Court seeking a
Writ of Mandamus directing the respondents to register the



Petitioner's vehicle Mahindra Maximo Mini Van VX(8 seats) - BS-III bearing Engine No. MCF6E21026 Chasis No. MA1FC2MCRF6E34255 to accept the Motor Vehicles Tax, and to issue Fitness Certificate and consequently to issue the Educational Institution Permit in respect of the Petitioner school with reference to the proceeding of the first respondent vide E2/20101/2016, dated 11.5.2016, on the basis of the permission granted by the Transport Commissioner, Chennai-5 in his letter No.H3/46022/2012, dated 24.08.2012 in which approval has been granted for registration of Mahindra Maximo Mini Van VX (8 seater) BS-II. It is also further submitted that when the Petitioner school is a recognized and approved school, a decision was taken to provide transport facility to their staffs and students. Therefore, they applied for granting permission in the office of the Regional Transport Officer, Thanajvur/first respondent herein, in the year 2015. After considering the same, that the Petitioner school has decided to provide transport facilities to their students and teachers, granted permission by the first respondent vide proceedings in No.E2/499/2015, dated 14.11.2015, directing the Petitioner to produce the valid records of the vehicle as contemplated under Rule 181 of the Tamil Nadu Motor Vehicle Rules, 1989. Immediately, the Petitioner has purchased a new Mahindra Maximo Mini Van having seating capacity of 8 in all, bearing Engine No. MCF6E21026 Chasis No. MA1FC2MCRF6E34255. Even after the production of the vehicle before the Motor Vehicle Inspector, Pattukkottai within three months on 14.11.2015, the second respondent refused to accept the quarterly tax and to register the vehicle. On information, the second respondent informed that the first respondent has to issue direction in this behalf, which is totally contrary to the letter issued by the Transport Commissioner, Chennai, dated 24.8.2012.

3.It is further contended before this Court that when the Transport Commissioner, Chennai has already granted permission to register Mahindra Maximo Mini Van VX (8 seater) BS-II in his letter, dated 24.08.2012, the respondents are bound to comply with the direction issued by the Transport Commissioner, Chennai and failure to follow the direction issued will not only entail action against them, but it will also cause revenue loss of the Government.

4.The learned Additional Government Pleader appearing for the respondents after going through the letter issued by the Transport Commissioner, Chennai granting approval for registration of Mahindra Maximo Mini Van VX (8 seater) BS-II, is unable to resist the prayer sought for by the Petitioner.

<https://hcservices.50175.gov.in/hcservices/> is relevant to extract the letter issued by the Transport Commissioner, dated 24.08.2012, which reads thus:



'Tvl.Mahindra & Mahindra Limited, Automotive Sector, Mahindra Towers, Ist Floor, 17-18, Pattulos Road, Anna Salai, Chennai-2 have applied for permission to register the new model vehicle LMV-Mahindra Maximo Mini Van VX (8 seater) BS-II- in Tamil Nadu manufactured by M/s.Mahindra & Mahindra Limited.

They have also produced the relevant certificate issued by VRDE, Ahmednagar for compliance to the CMVR, 1989.'

6.When the Petitioner school before purchasing Mahindra Maximo Mini Van to provide transport facilities to their staffs and students, had applied before the first respondent seeking permission for the same.

7.Considering the genuine request of the Petitioner and the fact that the first respondent had already granted permission to the Petitioner vide proceedings No. No.E2/499/2015, dated 14.11.2015 and that the Transport Commissioner, Chennai has already granted permission to register Mahindra Maximo Mini Van VX (8 seater) BS-II in his letter, dated 24.8.2012 in Tamil Nadu, this Court finds no impediment to direct the second respondent to register the Petitioner's vehicle and to issue Fitness Certificate to the Petitioner.

8.Accordingly, the Writ Petition is allowed and the second respondent is hereby directed to register the Petitioner's vehicle Mahindra Maximo Mini Van having seating capacity of 8 in all bearing Engine No. Engine No. MCF6E21026 Chasis No. MA1FC2MCRF6E34255 by accepting the Motor Vehicles Tax and to issue Fitness Certificate and educational institution permit to the Petitioner school, as prayed for by him. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Regional Transport Officer, Thanjavur.
- 2.The Motor Vehicles Inspector, Unite Officer, Pattukkottai.
- +One cc to The Special Government Pleader, SR.No.50164
- +One cc to Mr.S.Govindan, Advocate, SR.No.49483

vsn

RL/5C/3P/CK/15/9/2016

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