

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5979 of 2017
and W.M.P.No.6408 of 2017

M.Green Rose

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep.by it's the Secretary,
Transport Department
Fort St.George, Chennai-600 009.
2. The Regional Transport Officer,
Office of the Regional Transport Office,
Redhills,
Chennai-600 067.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for records pursuant to impugned order dated 1.10.2016 under Ref.No.R.H./17442/2016 passed by the 2nd respondent and to quash the same and to direct the 2nd respondent to permit the petitioner to fly his Tata Maxi Cab bearing No.TN 18 C 7939 by receiving the appropriate tax from the petitioner.

For Petitioner : Mr.S.Balasubramanian.
For Respondents : Mr.C.Jagadish,
Special Government Pleader
(M.V. (M&M))

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O R D E R

Mr.C.Jagadish, learned Special Government Pleader takes notice on behalf of the respondents.

2. The petitioner is aggrieved against the order dated 01.10.2016 issued by the Regional Transport Authority, Thiruvallur, cancelling the permit of the contract carriage vehicle bearing Registration No.TN18-C-7939 for non payment of tax for the quarter ending 30.09.2016.

3. Admittedly, as against the order of cancellation of permit, appeal remedy is available to the petitioner to challenge the same before the State Transport Appellate Tribunal as provided under Section 89(g) of the Motor Vehicles Act, 1988. Therefore, the petitioner has to only file an appeal before such an authority and challenge the order of cancellation of permit. Accordingly, this Writ petition is disposed of, by giving liberty to the petitioner to challenge the order of cancellation of permit before the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order. If there is any delay in filing such appeal, the Appellate Authority shall take note of the filing of the present writ petition and the order passed herein for condoning such delay. This Court is not expressing any view on the merits of the matter as it is for the petitioner to canvass the same before the Appellate Authority while filing such appeal. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsn
To

1. The Secretary, State of Tamil Nadu
Transport Department
Fort St.George, Chennai-600 009.

2. The Regional Transport Officer,
Office of the Regional Transport Office,
Redhills,
Chennai-600 067.

+1 cc to M/s.S.Balasubramanian Advocate sr 15268

W.P.No.5979 of 2017

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