

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2017

CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

W.P.No.2796 of 2017

P.Gunasekaran

... Petitioner

Vs.

The Regional Transport Officer
Salem (East), Salem - 636 140.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to receive the Application Form CCPA dated 02.01.2017 together with prescribed fees and grant the Tourist Taxi Permit in respect of the Vehicle Reg. No.TN-54-K-1158 forthwith.

For Petitioner : Mr.A.Ganesan
For Respondent : Mr.C.Jagadish
Special Government Pleader

O R D E R

1.Issue Notice. Mr.C.Jagadish, learned Special Government Pleader, accepts notice on behalf of the respondent. With the consent of the learned counsels for parties, the writ petition is taken up for hearing and final disposal.

2.The prayer made in the writ petition is as follows:

" to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of a writ directing the Respondent herein to receive the Application Form CCPA dated-02.01.2017 together with prescribed fees and grant the Tourist Taxi Permit in respect of the Vehicle Reg. No.TN-54-K-1158 forthwith and thus render justice."

3.In order to adjudicate upon the captioned writ petition, the following facts are required to be noticed:

3.1. The petitioner claims that he purchased a vehicle described as : SWIFT D ZIRE VDI, after entering into a hire purchase agreement with Mahindra and Mahindra Financial Company. It is stated that the said vehicle bears the following Chassis No.MA3FJEBIS00547718, and Engine No.D13A2366855.

3.2.The petitioner further avers that the seating capacity of the aforementioned vehicle is 5 + 1.

3.3.Furthermore, it is stated that the vehicle has been accorded the following Registration No. : TN-54-K-1158. The petitioner claims that, as required, life time tax has also been paid to the concerned authority.

4.It is the petitioner's case that on account of him, coming upon bad days, he, applied to convert the use of the aforementioned vehicle from a private vehicle to a tourist vehicle. The petitioner submits that, accordingly, the prescribed CCPA form along with requisite fee was attempted to be submitted to the respondent on 02.01.2017, so that a Tourist Taxi Permit could be granted to him.

5.The petitioner's case is that the respondent has refused to accept the same.

6.Learned counsel for the petitioner says that there is no reason why the aforementioned vehicle cannot be used as a tourist vehicle.

7.Mr.Jagadish, who appears for the respondent, says that, since, the prayer made in the writ petition is to only receive the application form, if, a direction is issued by the Court in that behalf, the needful will be done.

8.Accordingly, having regard to the submissions made before me by the counsels and the stand taken in the writ petition, I am inclined to direct receipt of the application, after fulfilment of requisite formalities, including the fee prescribed in that behalf.

8.1. Furthermore, upon receipt of the application, the respondent will pass an appropriate order, albeit, in accordance with law, with due expedition, though, not later than eight (8) weeks from the date of receipt of the application.

9. The writ petition is disposed of in the aforementioned terms. However, there shall be no order as to costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

The Regional Transport Officer
Salem (East), Salem - 636 140.

+1 cc to M/s.A.Ganesan,advocate,sr.7150

+1 cc to Govt.Pleader,sr.7745.

mp(co)
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