IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.29215 of 2017

S.Mahadevan ...Petitioner

.Vs.

1. The Secretary,
Regional Transport Authority,
RTO, Red Hills, Chennai - 52.

2. The Regional Transport Officer,
Red Hills, Chennai - 52. ...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the 2nd respondent to accept the idle tax for the vehicles of the petitioner viz. Trucks bearing registration Number TN68 D 4030 and TN20 BU 7377 as per the application of the petitioner dated 01.11.2017 and pass orders.

For Petitioner : Mr. S.Doraisamy

For Respondents : Mrs.R.Rajeswaran Spl GP

O R D E R

Heard Mr. S.Doraisamy learned counsel for the petitioner and Mr.R.Rajeswaran Special Government Pleader, accepting notice for the respondents. By consent on either side, the writ petition itself is taken up for final disposal.

2. The petitioner is a owner of two trucks bearing registration nos. 1) TN68 D 4030 and 2) TN20 BU 7377. The petitioner was granted a goods permit for both the vehicles, which was valid upto 04.06.2017. The previous owners of the vehicles wanted to surrender the permit as provided under rule 204 of the Motor Vehicles Rule,1989 and accordingly made applications for surrender on 22.9.2014 and 13.11.2014. The previous owner paid tax upto 30.9.2014 and 31.12.2014 respectively. On the date of surrender of the permit, there was no arrears of tax payable by the permit holder. Since the vehicles were not used, they were kept idle and parked at Seven

Star Parking Yard, Thiruverkadu from 20.9.2014 and 24.09.2014 respectively.

3.The petitioner had purchased the vehicles and applied for issuance of goods permit with the first respondent. The first respondent has granted fresh goods cariage permit - public carrier in respect of the above vehicle by the proceedings dated 03.11.2017 subject to a condition that the petitioner should produce the registration certificates of the vehicles with valid fitness certificates, insurance certificates and current tax paid within three months from the date of the said proceedings.

4.The petitioner's case is that the previous owner has surrendered the permits and the vehicles were lying idle for nearly three years. Therefore, the petitioner cannot be compelled to pay the road tax for the said period and that only idle tax of Rs.410/- per year can be demanded from the petitioner. In this regard, the petitioner submitted an application dated 01.11.2017 to the first respondent which has been received by the office of the first respondent on 01.11.2017 itself, as could be seen from the date seal. Since this application is still pending, the petitioner is before this Court.

5. The learned Special Government Pleader appearing for the respondents has submitted that if the application is pending and if the same is in order, reasonable time may be granted to the first respondent to pass appropriate orders on merits and in accordance with law.

6. In the light of the above the writ petition is disposed of by directing the first respondent to consider the petitioner's application dated 01.11.2017 for remitting idle tax for both the vehicles and pass orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

SMN

To

1. The Secretary,
Regional Transport Authority,
RTO, Red Hills, Chennai - 52.

2. The Regional Transport Officer,
Red Hills, Chennai - 52.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.81051
+1cc to the Government Pleader, S.R.No.81696

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GN(27/11/2017)