IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2017

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.28525 of 2016 &
W.M.P.No.24630 of 2016

S.Parthiban ... Petitioner

Vs

1.State of Tamil Nadu,
Represented by its Transport Secretary,
Department of Transport,
Fort St. George,
Madras - 600 009.

2.The Regional Transport Officer,
Regional Transport Office West,
New Avadi Road, Chennai. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to direct the respondents to receive and process the application of the petitioner to re-register the petitioner's vehicle in Tamil Nadu after accepting yearly tax for the vehicle bearing registration No.AP-09-AU-8198 without insisting to pay life tax .

For petitioner : Mr.S.Sundaresan
For respondents: Mr.Akhil Akbar Ali
Government Advocate

O R D E R

Heard Mr.S.Sundaresan, learned counsel for the petitioner and Mr.Akhil Akbar Ali, learned Government Advocate (Taxes) for the respondents.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus to direct the respondents to receive and process the application of the petitioner to re-register the petitioner's vehicle in Tamil Nadu, after accepting yearly tax for the vehicle bearing registration No.AP-09-AU-8198 without insisting

to pay life tax.

3. According to the petitioner, he is the owner of the car bearing Registration No. AP-09-AU-8198 and it was registered before the Regional Transport Authority, Khairtabid (Central) in the combined State of Andhra Pradesh, now situated within the State of Telungana and the registration certificate was valid upto 20.06.2019 and at the time of registration of the car on 29.06.2004, the Registering Authority has collected life tax of Rs.45,280/-.

4. The petitioner would claim that he has now re-located to Chennai and as per Section 47 of the Motor Vehicles Act, the car requires re-registration. The Regional Transport Authority viz., Khairtabid (Central), issued No Objection Certificate. Subsequently, the petitioner applied for re-registration with the second respondent, however, the application was not processed, demanding life tax of Rs.30,185/-. Hence, the petitioner has come with the present Writ Petition.

5. The learned counsel for the petitioner would submit that the vehicle involved in the Writ Petition is 12 years old and as per Section 4(1)(b) of the Tamil Nadu Motor Vehicles Act, the option is available with the petitioner to pay the tax annually at the rates specified in the First Schedule or for the life time as prescribed in the Part II of the Schedule III and the respondent has no authority to insist the petitioner to pay lift tax, which is contrary to Section 47 of the Motor Vehicles Act.

6. The learned counsel for the petitioner would submit that the No Objection Certificate issued by the Regional Transport Authority is valid for limited period and at the time of consideration of the petitioner's application for re-registration, the second respondent shall not insist the petitioner to produce a fresh No Objection Certificate.

7. The learned Government would submit that the petitioner has submitted an application in respect of AP-09-BY-4910, which stands in the name of his wife and the application for registration of the car bearing registration No.AP-09-AU-8198 was not submitted by the petitioner and as on date, the application is not available in the Office of the second respondent. However, the learned Government Advocate has not seriously disputed that as per Section 4(1)(b) of the Tamil Nadu Motor Vehicles Act, the petitioner either can pay tax annually or for the life time.

8. It is to be seen that the Writ Petition is filed for a direction to receive the application of the petitioner for re-

registration of the vehicle in question.

9. In such view of the matter, the petitioner is directed to submit the application for re-transfer of the vehicle bearing registration No.AP-09-AU-8198, within a period of two weeks from the date of receipt of a copy of this order, along with necessary documents. On such receipt, the second respondent shall re-consider the application and after ascertaining the genuineness of the No Objection Certificate issued earlier, take a decision on merits and in accordance with law, within a period of four weeks therefrom, without insisting payment of life tax.

10. With the above directions, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

2.The Regional Transport Officer,
Regional Transport Office West,
New Avadi Road, Chennai.

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