

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.22881 of 2004

and

W.M.P.No.27663 of 2004

Rajesh Vijayan

... Petitioner

vs.

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Commercial Tax Department,
Fort St. George,
Chennai 600 009.

2. The Commercial Tax Officer,
No.46, Greams Road,
Chennai 600 006.

3. The Regional Transport Officer,
Chennai (West)
K.K.Nagar.
Chennai 600 078.

4. The Motor Vehicle Inspector,
Grade-I,
Regional Transport Office (West)
Chennai 600 078.

... Respondents

PRAYER: Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorari, to call for the records related to the 4th respondent order dated 30.07.2004 and quash the same.

For Petitioner : No appearance

For Respondents : Mr.A.Zakkir Hussain,
Government Advocate

O R D E R

The Writ Petition has been filed for issuance of a Writ of Certiorari, to call for the records related to the 4th respondent order dated 30.07.2004 and quash the same.

2. When the matter was listed on 28.06.2007, there was no representation on behalf of the petitioner. Thereafter, the case was listed on 25.07.2017 and also on 18.08.2017. In spite

of that the case was listed under the caption " for dismissal ", none appeared on behalf of the petitioner.

3. Heard the learned Government Advocate appearing for the respondents.

4. Though no one represented on behalf of the petitioner, this court has to pass orders on merits since the petitioner has filed the writ petition for the abovesaid prayer.

5. On perusal of the impugned order, it is manifested that the petitioner made an application to the Regional Transport Officer/third respondent herein for registration of the imported vehicle. The Motor Vehicle Inspector Gr-I has returned the application on the following ground which is extracted as under:

"on verification of your papers produced for Registration found that the Entry Tax not paid. Hence produce the paper with Entry Tax."

6. On the above said ground, the request made by the petitioner was denied. While entertaining the writ petition, this court granted an interim injunction on condition that the petitioner deposits 15 % of the demanded tax, within a period of two weeks from the date of receipt of a copy of that order, failing which, the injunction granted by this court earlier, shall stand automatically vacated.

7. I do not know whether the interim order has been complied with or not and unless the petitioner pays the entry tax for registration of the vehicle, it is not possible to register the imported vehicle in Tamilnadu. Accordingly, after fourteen years, I do not find that anything would survive for adjudication in the writ petition.

In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

gv/sji

To

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- +1 CC to Govt. Pleader sr 61719.

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SKV(CO)
sp(21/09/2017)



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