

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1517 of 2006 & W.P.M.P.No.1700 of 2006 &
W.V.M.P.No.31 of 2010

A.Abdul Kuthus ... Petitioner

Vs.

1. The State Transport Authority cum
Transport Commissioner,
Chepauk, Chennai-5.
2. The Regional Transport Officer,
Chennai Central, Ayanavaram, Chennai. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the first respondent relating to R.No.A3/74059/2004 dated 04.11.2004 and to quash the same.

For Petitioner : Mr.S.Govindraman
For Respondents : Ms.M.Lalitha,
Government Advocate

ORDER

Heard Mr.S.Govindraman, learned counsel for the petitioner and Ms.M.Lalitha, learned Government Advocate for the respondents.

2.The petitioner has filed this writ petition challenging the demand notice issued by the first respondent being the tax for the period during which the vehicle was not alleged to have been operated. The respondents contention is stoppage was not given at the appropriate time and therefore, disbelieved petitioner's contention that the vehicle did not ply on the road.

3.It may not be necessary for this Court to adjudicate the correctness of the impugned demand and such permit itself has been cancelled and till date, the cancellation has not been challenged. This is because of the fact that a dispute arose between the family members of the petitioner is with regard to

how he is entitled for the permit and a suit is pending on the original side of this Court and the permit in question (since cancellation) has now been deposited in the said civil proceedings. Therefore, as of now, the impugned demand cannot be enforced as the petitioner has no individual right over the permit in question.

4. Accordingly, this writ petition is closed, giving liberty to the respondent-Department to proceed against the appropriate person in whose favour the suit decreed, stating that he is entitled for the permit in question. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

abr

To

1. The State Transport Authority cum
Transport Commissioner,
Chepauk, Chennai-5.

2. The Regional Transport Officer,
Chennai Central, Ayanavaram, Chennai.

सत्यमेव जयते

W.P.No.1517 of 2006

SP(23/10/2017)

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