

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2017

CORAM

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.23195 of 2004

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W.P.M.P.No.28068 of 2004

M.N.M.Jain Engineering College,
Jothi Nagar,
Thoraipakkam,
Chennai - 600 096. ... Petitioner

Vs.

The Regional Transport Officer,
Chennai (South),
Chennai - 600 041. ... Respondent

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondent herein viz. The Regional Transport Officer, Chennai (South), Chennai to release the document viz. Registration Certificate of the petitioner's Educational Institution vehicle bearing Registration No.TN72/D-6548 in his custody.

For Petitioner : No appearance

For Respondent : Mr.A.Zakkir Hussain
Government Advocate

O R D E R

This writ petition has been filed by the petitioner to direct the respondent herein viz. The Regional Transport Officer, Chennai (South), Chennai to release the document viz. Registration Certificate of the petitioner's Educational Institution vehicle bearing Registration No.TN72/D-6548 in his custody.

2.The petitioner/Educational Trust is running an Engineering College and School for which purposes they have buses of their own. The petitioner institution purchased a spare bus with permit from one C. Manohar. The ownership was transferred on 21.07.2004. Thereafter, the petitioner applied for a grant of fresh permit on 23.06.2004 for the vehicle purchased. The authority, in its proceedings R.No.A4/43905/04

dated 07.07.2004, granted permission for a period of five years from the date of issue of permit with condition that the grantee should produce the Registration Certificate of the vehicle with valid fitness certificate, insurance and current tax paid within a period of three months from the date of receipt of the said proceedings.

3.The said vehicle is having a valid fitness certificate upto 29.03.2005, insurance certificate upto 08.02.2005, valid fuel emission test certificate and idle tax paid when it was brought to Chennai from Tirunelveli. On 24.07.2004, the transport authorities, on the ground that the vehicle was plying without valid permit as required under Section 66(1) of the Motor Vehicles Act, 1988 seized the registration certificate and entrusted the same to the Regional Transport Office, Chennai and insisted the petitioner trust to pay a sum of Rs. 10,050/- (Rupees Ten thousand and fifty only) towards tax and compounding fee, treating the vehicle as not an Educational Institution Vehicle, against which the present writ petition is filed.

4.The learned Government Advocate for the respondent produced the draft counter before this Court. On perusal of the draft counter, it is seen that on 24.07.2004, the said vehicle was carrying 11 students and the following irregularities were noticed:

1. The vehicle was found plying without a valid permit (violation of Sec 66(1) of M.V. Act 1988).

2. There was no evident for payment of current tax (contravention of sec 3(1) of TNMV taxation Act 74). The M.V.I. had seized the Registration Certificate of the above vehicle U/S.207 of M.V.Act 1988.

3. Tvl.M.N.M.Jain Engineering College, Chennai - 96 in their letter dated 26.07.2004 requested to release the Registration certificate stating that they have obtained proceedings for the grant of Educational Institute Vehicle permit.

4. As the vehicle has plied without permit and tax on the date of check i.e. 24.07.2004 they were asked to pay the compounding the fee and tax as detailed below:

Tax at the rate applicable to Educational Institution Vehicle for one quarter (Rs. 150 x 63)	: Rs. 9,450/-
1% tax	: Rs. 100/-
Compounding fee for having plied the vehicle without permit	: Rs. 500/-

	Rs.10,050/-

5. As per the interim direction of this Court dated 13.08.2004, the petitioner filed an affidavit before the authority and undertakes to produce the vehicle as and when required. Consequently, the Registration Certificate of the vehicle was released.

6.The authority has rightly seized the certificate, since the petitioner did not possess the valid permit required under Section 66(1) Motor Vehicles Act, 1988 and other relevant documents required under Motor Vehicles Act.

7.It is brought to the notice of this Court that subsequently, as per the interim direction, the petitioner has paid the tax. Therefore, nothing survives for consideration in this writ petition. Accordingly, the writ petition stands closed. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nl/kas

To

The Regional Transport Officer,
Chennai (South),
Chennai - 600 041.

+1cc to Mr.P.Vedavalle, Advocate, S.R.No.59597
+1cc to the Government Pleader, S.R.No.59935

सत्यमेव जयते W.P.No.23195 of 2004

PPA(CO)
CA(05/10/2017)

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