

In the High Court of Judicature at Madras

Dated : 02.2.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.2277 of 2018 & WMP.No.2777 of 2018

A.Mahendran

...Petitioner

Vs

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

2.The Regional Transport Officer,
Mettur, Salem District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent not to insist the motor vehicle tax for vehicle No.TN-50-K-7560 and to accept the idle tax in respect of omni bus of the petitioner bearing registration No.TN-64-A-9012 for the period from 01.7.2017 and consequently direct the first respondent to consider and pass orders on the application of the petitioner dated 15.5.2017 in Form PRA for the renewal of permit in respect of the vehicle bearing Registration No.TN-64-A-9012.

For Petitioner :

Mr.S.Govindraman

For Respondents:

Mr.J.Pothiraj, SGP

ORDER

Mr.J.Pothiraj, learned Special Government Pleader accepts notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner seeks a direction to the first respondent not to insist the motor vehicle tax for vehicle No.TN-50-K-7560 and to accept the idle tax in respect of omni bus of the petitioner bearing registration No.TN-64-A-9012 for the period from 01.7.2017 and consequently direct the first respondent to consider and pass orders on the application of the petitioner dated 15.5.2017 in Form PRA for the renewal of permit in respect of the vehicle bearing Registration No.TN-64-A-9012.

3. Though the petitioner has not been issued any written memo by the first respondent to pay idle tax, the petitioner

would state that he has been orally informed that unless the idle tax in respect of the vehicle bearing Regn. No.TN-50-K-7560 is paid, his application will not be considered.

4. The case of the petitioner is that as the permit for the vehicle bearing Regn.No.TN-64-A-9012 had expired, he submitted the application before the first respondent for renewal with a delay of 5 days along with the original records pertaining to both the vehicles namely TN-50-K-7560 and TN-64-A-9012, proof of payment of tax upto 30.6.2017, the fitness certificate and the insurance certificate. However, the application for renewal has not yet been taken up for consideration. When the petitioner made an enquiry, the petitioner was informed that entire tax has to be paid for both the vehicles. According to the petitioner, payment of any motor vehicle tax for the vehicle bearing Regn.No.TN-50-K-7560 does not arise.

5. It is seen that till date, the first respondent has not passed any orders on the petitioner's application for renewal. What is important to note is that the first respondent, by order dated 17.4.2017, has approved the replacement of the contract carriage omni bus by another vehicle bearing Regn.No.TN-64-A-9012 as prescribed under Section 83 of the Motor Vehicles Act, 1988 read with Rule 201 of the Tamil Nadu Motor Vehicle Rules, 1989.

6. In such circumstances, the question would be as to whether the petitioner can be directed to pay idle tax for the vehicle bearing Regn.No.TN-50-K-7560. However, since no order has been passed by the first respondent, this Court is inclined to issue appropriate direction to the first respondent to take a decision on the petitioner's application dated 15.5.2017 for renewal.

7. Accordingly, the writ petition is disposed of by directing the first respondent to consider the petitioner's application dated 15.5.2017 for renewal in respect of the vehicle bearing Regn.No.TN-64-A-9012, afford an opportunity of personal hearing to the petitioner, conduct an enquiry and pass orders on merits and in accordance with law as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

RS

To

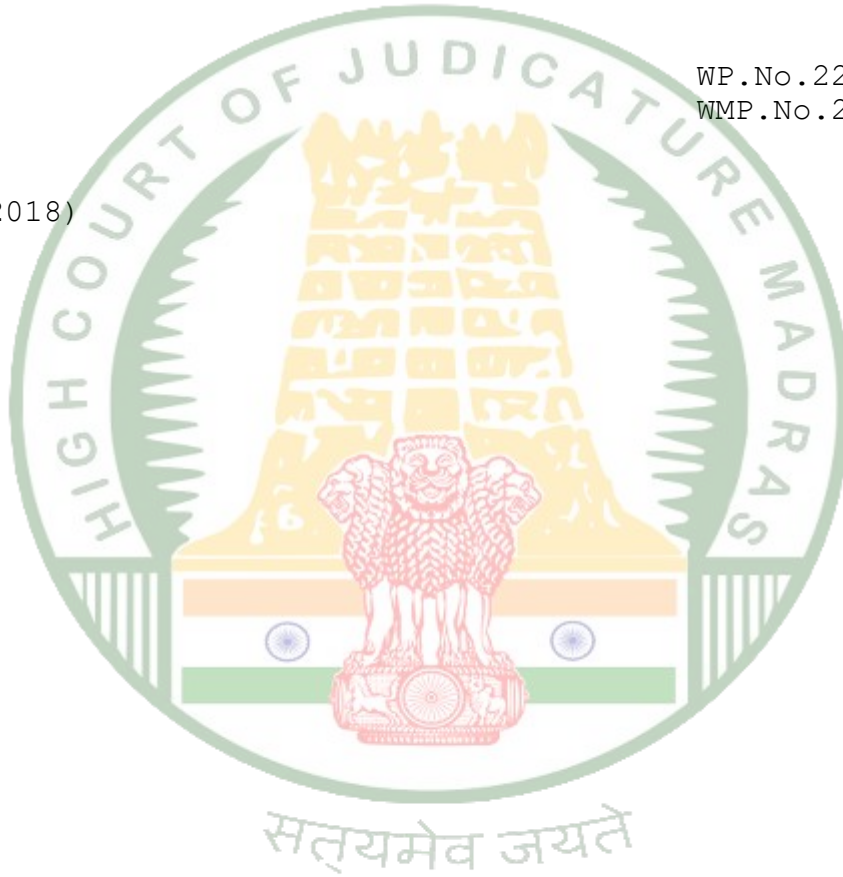
- 1.The State Transport Authority, Chepauk, Chennai-5.
- 2.The Regional Transport Officer, Mettur, Salem District.

+1 CC to MR.S. Govindaraman, Advocate sr 8183.

+1 cC to Govt. Pleader sr 8387.

BR(CO)
SP(19/02/2018)

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