

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15546 of 2018

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Petitioner

-vs-

The Secretary
Regional Transport Authority cum
the Regional Transport Officer
Namakkal (North)
Namakkal

..

Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to register the petitioner vehicle Traveller TD 22 BSIV HR- (12+1 Seater) manufactured by Force Motors Limited bearing Engine No.D61003911, Chassis No.MCIE4CGA0JPO46510 and to accept the Motor Vehicle Tax, issue the Fitness Certificate and consequently to issue the Maxi Cab permit to the petitioner with reference to the proceedings of the respondent vide 72355/B2/2017 dated 27.07.2017.

For Petitioner:: Mr.S.Govindraman

For Respondent:: Mr.I.Sathish
Additional Government Pleader

ORDER

The petitioner is engaged in transport business and he has also purchased a new LMV Maxicab manufactured by Force Motors Model Traveler TD 22 BS IV HR with a seating capacity of 12+1, namely, 13 in all. The learned counsel for the petitioner submitted that the said vehicle stands temporarily registered in the office of the Regional Transport Officer, Karur on 27.7.2017 bearing temporary Registration No.TN 47 TMP 3961. Thereafter, the petitioner made an application for the grant of a contract carriage maxicab permit in the office of the respondent. A proceeding also has been passed by the respondent on 27.7.2017 bearing No.72355/B2/2017 with a direction to the petitioner to produce the valid records of the vehicle as per Rule 181 of the Tamil Nadu Motor Vehicles Rules, 1989. Accordingly, the petitioner also produced the records with a request to register

and issue the permit. But, surprisingly, the respondent refused to entertain the records. The refusal of the respondent is totally running contra to the guidelines issued by the Principal Secretary/Transport Commissioner, Chennai in Letter No.52129-H3-2013 dated 12.7.2013, Circular No.21 of 2013 to all the Joint Transport Commissioners, Chennai, the Zonal Deputy Transport Commissioners, the Regional Transport Officers and the Motor Vehicle Inspectors of the unit offices in the State.

2. The learned Additional Government Pleader for the respondent, after going through the letter dated 12.7.2013 bearing Circular No.21 of 2013, submitted that the request of the petitioner will be duly considered.

3. A perusal of the letter dated 12.7.2013 bearing Circular No.21 of 2013 issued by the Principal Secretary/Transport Commissioner, which reads as follows,

"Tvl.Force Motors Limited, No.15, Raman Street, T.Nagar, Chennai-17, have applied for permission to register their vehicle "Traveller TD22-BS-IV" HR (12+1 Seater) as "Tourist Maxi Cab" with a seating capacity of 13 in all (Push Back Seats) in the State of Tamil Nadu.

(2) Necessary permission have already been accorded by this office to register the above said vehicle as Light Motor Car with a seating capacity of 13 in all (Push Back Seats) in the State of Tamil Nadu vide reference 2nd cited.

(3) The Government in their letter 3rd cited, have permitted to register the "Traveller TD22-BS-IV HR (12+1 Seater)" vehicle manufactured by M/s Force Motors Ltd., Akurdi, Pune as "Tourist Maxi Cab" with a seating capacity of 13 in all (Push Back Seats) in the State of Tamil Nadu at the rate of tax admissible in Tamil Nadu Motor Vehicles Taxation Act, 1974 from time to time. Hence all the Regional Transport Officers are requested to follow the Government instructions and register the above said vehicle as "Tourist Maxi Cab" with a seating capacity of 13 in all (Push Back Seats) in the State of Tamil Nadu at the rate of tax admissible in Tamil Nadu Motor Vehicles Taxation Act, 1974 from time to time.

(4) The receipt of the circular should be acknowledge immediately by the Zonal Officers and the acknowledgments from their

subordinate officers may be obtained and kept by them in their files.,
shows that the refusal of the respondent to receive the records from the petitioner is wholly unacceptable. In view thereof, the respondent is hereby directed to receive the records and register the petitioner's vehicle Traveller TD 22 BSIV HR (12+1 Seater) manufactured by Force Motors Limited bearing Engine No.D61003911, Chassis No.MCIE4CGA0JPO46510 by accepting the applicable motor vehicle tax and also issue the Fitness Certificate and the Maxi Cab permit to the petitioner, within one week from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of accordingly. Consequently, W.M.P.No.18447 of 2018 is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary
Regional Transport Authority cum
the Regional Transport Officer
Namakkal (North)
Namakkal

+1cc to Mr.S.Govindraman, Advocate sr.no.40549
+1cc to Government Pleader in sr.no.40923

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W.P.No.15546 of 2018

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