

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P.No.29064 of 2003
and W.P.M.P.No.35469 of 2003

A.Xavier ... Petitioner
Vs

1. The State of Tamilnadu,
Rep by its Secretary,
Home (Transport) Dept.,
Fort St. George,
Chennai-9
2. The Registering Authority
-cum-the Regional Transport Officer,
Dharmapuri. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that Section 4(1-A)(a) introduced by the Tamilnadu Motor Vehicles Taxation Amendment Act 27 of 1998 as amended by the Tamilnadu Motor Vehicles Taxation Act 13 of 2003 by substituting the Third Schedule Part-I of the Tamilnadu Motor Vehicles Taxation Act, 1974, as ultra vires, arbitrary, illegal and void and violative of Article 14 of the Constitution of India insofar as it amounts to levy of life tax for registration of new vehicle insofar as the petitioner's vehicle is concerned.

For Petitioner : No appearance
For Respondents : Mr.K.Ravikumar
Additional Government Pleader.

ORDER

The prayer sought for herein is for a Writ of Declaration, declaring that Section 4(1-A)(a) introduced by the Tamilnadu Motor Vehicles Taxation Amendment Act 27 of 1998 as amended by the Tamilnadu Motor Vehicles Taxation Act 13 of 2003 by substituting the Third Schedule Part-I of the Tamilnadu Motor Vehicles Taxation Act, 1974, as ultra vires, arbitrary, illegal and void and violative of Article 14 of the Constitution of India insofar as it amounts to levy of life tax for registration of new vehicle insofar as the petitioner's vehicle is concerned.

2. Heard Mr.K.Ravikumar, learned Additional Government Pleader appearing for the respondents. No one has appeared on behalf of the petitioner.

3. The learned Additional Government Pleader appearing for the respondents would contend that the issue raised in this writ petitioner has already been settled by the Hon'ble Apex Court by the judgment reported in (2005) 4 SCC 53 - State of Tamilnadu Vs. M.Krishnappan and another.

4. In view of the said judgment of the Hon'ble Apex Court, wherein the validity of the impugned Act/Provision by way of amendment, has already been upheld and therefore, this writ petition is deserved to be dismissed. Accordingly, the writ petition is dismissed. No order as to costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rts
To

1. The Secretary,
State of Tamilnadu,
Home (Transport) Dept.,
Fort St. Geroge,
Chennai-9
2. The Registering Authority
-cum-the Regional Transport Officer,
Dharmapuri.

+1cc to Government Pleader SR.No.63824

SKV(CO)
sm:25.9.2018

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