



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD)No.21542 of 2017

and

WMP(MD)Nos.17825 to 17827 of 2017

R.Bakthasironmony

... Petitioner

Vs.

Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent pertaining to its order in Che.aa.No.66419/A3/2016 dated 21.08.2017 and to quash the same and consequently direct the respondent to accept the quarterly tax for the period of October 2017 to December 2017.

For Petitioner

: Mr.S.C.Herold Singh

For Respondent

: Mr.J.Gunaseelan Muthaiah,
Addl.Government Pleader

O R D E R

The petitioner is the vehicle owner who is plying his mini bus. The respondent has passed the impugned order dated 21.08.2017 calling upon the writ petitioner to pay compounding fee of Rs.9,000/- within 7 days. It was made clear in the impugned order if the writ petitioner did not remit the said amount action will be taken. In the impugned order, it is specifically mentioned that show cause notice was issued and that the same was received by the petitioner.

2.When the matter was taken up earlier, this Court directed the respondent to produce the Acknowledgment Card stated to have been signed by the writ petitioner. The learned counsel appearing for the writ petitioner would take the stand that no such notice was ever issued by the respondent and the same was not received by the writ petitioner.

3.Today, when the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondent was not in a position to produce the copy of the acknowledgment card said to have been signed by the writ petitioner. Therefore, this Court has to necessarily come to the conclusion that the impugned order



has been passed in violation of the principles of natural justice. On this ground, the impugned order stands set aside.

4. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

/True Copy/

Sd/-
Assistant Registrar (Crl. Side)

Sub-Assistant Registrar

To

Regional Transport Officer,
Marthandam,
Kanyakumari District.

+One cc to Mr. S. C. Herold Singh, Advocate, SR.No.40569

+One cc to The Special Government Pleader, SR.No.40796

skm

RL/4C/2P/SKN/RSK/SAR1/24/1/2018

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