

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:22.10.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.29230 of 2019
and
W.M.P.No.29030 of 2019

P.Mohamad Abbas
M/s Air India travels,
No.244, M.M.Adigal Salai,
Puducherry 605 001. ... Petitioner

/versus/

1.The Regional Transport Officer,
Chengalpattu.
2.The Motor Vehicles Inspector Grade-I,
Regional Transport Office,
Chengalpattu. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus direction the 1st respondent to release the omnibus bearing No.PY 02 H 6996 with reference to the check report No.1861683, dated 06.09.2019 of the 2nd respondent to the petitioner which is presently impounded and kept within the office compound of the 1st respondent.

For Petitioner :Mr.S.Govindaraman

For Respondents :Mr.N.Inbanathan, AGP

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O R D E R

The Writ Petition has been filed praying to issue a Writ of Mandamus direction the 1st respondent to release the omnibus bearing No.PY 02 H 6996 with reference to the check report No.1861683, dated 06.09.2019 of the 2nd respondent to the petitioner which is presently impounded and kept within the office compound of the 1st respondent.

2. The petitioner herein is running a Transport Business by name M/s Air India Travels at Pondicherry. His vehicle bearing Reg.No.PY 02 H 6996 is a contract carriage Omni bus. With permit issued by the State Transport Authority of Puducherry, the vehicle entered in to Tamil Nadu on 06.09.2019. On verification at the check post by the Regional Transport Officers, the respondents found that the tax was not paid for the said vehicle and the permit to the fitness certificate, insurance certificate were not available at the time of intercepting the vehicle. Therefore, the vehicle was detained by the 2nd respondent. The petitioner has given a representation dated 09.09.2019 to release the vehicle after receiving the tax. Since the vehicle was not released, the present writ petition is filed to consider the representation of the petitioner and compound the offence collected requisite compound fee and tax.

3. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner's vehicle Omni bus bearing Reg.No.PY 02 H 6996 was impounded by the authorities near Chengalpattu toll gate for the following irregularities:

- 1.Original records not produced.
- 2.Permit not produced.
- 3.Fitness Certificate not produced.
- 4.Insurance Certificate not produced.
- 5.Tax not paid to Tamil Nadu.

4. The petitioner has paid only the home tax payable to Puducherry Union Territory after impounding the vehicle. The compounding fees and tax payable to the Tamil Nadu Government have not been so far paid. On payment of the compound fee and tax due to the Tamil Nadu Government, the vehicle will be released. According to the respondents, the tax and compound fee payable by the petitioner is around Rs.2,36,665/-.

5. According to the petitioner, the respondents are demanding tax for three months at the rate of Rs.5,000/- per seat. Whereas, the petitioner is liable to pay only one month tax.

6. The disputed fact cannot be tried under the writ jurisdiction. It is open to the petitioner herein to submit his explanation for the payment raised by the respondents and it is for the respondents to consider the same and pass appropriate orders on the representation of the petitioner.

7. Accordingly, the writ petition is disposed of with a direction to the respondents to cause notice of demand to the petitioner within a period of seven days from today. On receipt of the notice of demand, the petitioner shall make his representation, if any and the respondents shall dispose of the same, within a period of three months thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Regional Transport Officer, जयते
Chengalpattu.

2.The Motor Vehicles Inspector Grade-I,
Regional Transport Office,
Chengalpattu.

+1 cc to Government Pleader Sr.No.88742

+1cc to Mr.S.Govindaraman , Advocate SR.No. 88336

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A.SK(24/10/2019)