BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P.(MD)No.18505 of 2019

Sahul Hameed : Petitioner

Vs.

1.The Secretary,
State/Regional Transport Authority,
Regional Transport Office,
Sivagangai.

2.The Regional Transport Officer,
Karaikudi,
Sivagangai District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents, more particularly, the first respondent to receive road tax for the lorry viz., Ashok Leyland Tusker bearing Registration No.TN-28-AC-7724 registered in the name of the petitioner, in the office of the second respondent forthwith.

For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

ORDER

The petitioner has purchased a lorry, viz., Ashok Leyland Tusker Goods Carrier bearing Registration No.TN-28-AC-7724 from one Rajalakshmi. He applied for transfer of ownership to the respondents. It was carried out on 04.12.2018. Thereafter, he approached the respondents for payment of road tax, which expired on 31.03.2019. But the respondents refused to receive the same on the pretext that there is some block in the system. Only after clearing the block, they could receive the road tax. In view of non-payment of road tax, the vehicle is kept in idle condition and the petitioner lost his income and could not eke out his livelihood. Therefore, he issued a legal notice to the respondents on 25.07.2019. Despite receiving the legal notice, the respondents have not taken any action. Hence, the Writ Petition.

2. The learned Additional Government Pleader appearing for the respondents would contend that now the online system of transaction has been introduced in Transport Department. If the

petitioner has failed to pay the dues or committed any error or offences, the system will immediately block the transaction with respect to the particular vehicle, against which, the proceedings are pending. Therefore, without removing the block, they are not in a position to receive the road tax.

3. I have considered the submissions.

4. If there is a block in respect of the petitioner's vehicle, as per the system managed by the respondents, it is incumbent on them to disclose for what reason the block is created against the petitioner. Without disclosing the reason and without permitting the owner of the vehicle to rectify the discrepancy, the respondents cannot refuse to receive the road tax. It will cause irreparable hardship to the vehicle owner by keeping the vehicle idle.

5. In view of that matter, a direction is given to the respondents to disclose the reasons on which the block is created and if there is no valid reason, to release the block forthwith and receive the road tax.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

SML

To

1.The Secretary,
State/Regional Transport Authority,
Regional Transport Office,
Sivagangai.

2.The Regional Transport Officer,
Karaikudi, Sivagangai District.

+1CC TO MR.D.VENKATESH, Advocate Sr. No.93759
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.94039

Order made in
W.P.(MD)No.18505 of 2019
Dated: 22.10.2019

TR(23.10.2019) 2P 5C