



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.18588 of 2014

and

M.P.(MD)No.1 of 2014

M/s.Janaki Traders,
Rep. by its Partner,
S.Chitambara Sundaram,
S/o.C.Sivasubramanian,
No.62, Toovepuram 10th Street,
Thoothukudi - 628 002.

... Petitioner

Vs.

1.The Commercial Tax Officer - II,
Thoothukudi.

2.The Regional Transport Officer,
Thoothukudi.

3.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Department of Commercial Taxes and
Religious Endowments,
Fort St. George, Chennai - 9.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent to issue No Objection Certificate to register the Volva Wheel Loader Model L120F with Log Grappler bearing Engine No.11615638 and Chasis No.27156 under the Motor Vehicles Act, 1988 and further directing the second respondent to register the said vehicle belonging to the petitioner under Motor Vehicles Act, 1988.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader.



ORDER

The petitioner prays for a Mandamus, directing the first respondent to issue No Objection Certificate for the purpose of registering a Volva Wheel Loader Model L120F with Log Grapppler bearing Engine No.11615638 and Chasis No.27156 purchased by the petitioner on 28.10.2014 and direction to the Regional Transport Officer to register the said vehicle in terms of the Motor Vehicles Act, 1988.

2.The only ground raised by the petitioner is that the provisions of the Tamil Nadu Tax on Entry of Motor Vehicles into Local Areas Act, 1990, would not apply to the imported vehicles. This question has now been settled by the Supreme Court against the assessee in the case of *State of Kerala and others Vs. FR.William Fernandez Etc. Etc* [2017 (12) Scale].

3.In the light of the aforesaid Judgment, there is no merit in this Writ Petition and Mandamus sought is rejected. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Commercial Tax Officer - II,
Thoothukudi.
- 2.The Regional Transport Officer,
Thoothukudi.
- 3.The Secretary to Government,
Department of Commercial Taxes and
Religious Endowments,
Fort St. George, Chennai - 9.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-80825[F] dated 09/08/2019)

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