



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2019

CORAM:

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

W.P. (MD)Nos.25245 and 25246 of 2019

and

W.M.P. (MD)Nos.21828 and 21831 of 2019

S.T.Rajan : Petitioner in W.P.(MD)No.25245 of 2019

T.Vasanthan : Petitioner in W.P.(MD)No.25246 of 2019

Vs.

1.The Regional Transport Authority,
Madurai.

2.The Secretary,
Regional Transport Authority -cum-
The Regional Transport Officer,
Madurai (Central),
Madurai.

: Respondents in both W.Ps.

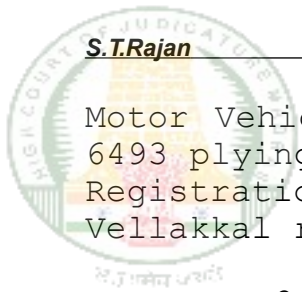
COMMON PRAYER : : Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to receive the petitioners' applications for the grant of renewal of fitness certificate in Form CFRA dated 19.09.2019 and 30.10.2019, respectively, to grant the fitness certificate and to accept the Motor Vehicles Tax for the minibus bearing Registration No.TN 58 L 6493 plying on the route from Nataraj Theatre to Prasanna Colony and Registration No.TN 59 N 0274 on the route from Subramaniapuram to Vellakkal respectively.

For Petitioners : Mr.S.Govindaraman

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

COMMON ORDER

The present Writ Petitions have been filed seeking for a Writ of Mandamus, directing the respondents to receive the petitioners' applications for the grant of renewal of fitness certificate in Form CFRA dated 19.09.2019 and 30.10.2019, respectively, to grant the fitness certificate and to accept the



Motor Vehicles Tax for the minibus bearing Registration No.TN 58 L 6493 plying on the route from Nataraj Theatre to Prasanna Colony and Registration No.TN 59 N 0274 on the route from Subramaniapuram to Vellakkal respectively.

2. Heard both sides.

3. On 01.04.2019, the Regional Transport Authority, Madurai, cancelled the permit granted to the petitioners under Section 86 of the Motor Vehicles Act, 1988 for non-payment of motor vehicles tax. Thereafter, the petitioners have compounded the offence by paying compounding fee of Rs.4,000/- and Rs.7,000/- respectively and also paid motor vehicles tax for the period between 01.01.2019 and 30.06.2019 and 01.10.2017 and 30.06.2019 respectively. Section 86(5) of the Motor Vehicles Act, 1988, provides re-consideration of the cancellation or suspension under Section 86, on payment of the required tax and miscellaneous charges. Considering the same, the order dated 01.04.2019 was stayed by this Court in W.M.P.(MD)No.21432 of 2019 in W.P.(MD)No.24837 of 2019 and W.M.P.(MD)No.21439 of 2019 in W.P.(MD)No.24842 of 2019, respectively on 22.11.2019. While the matter stood thus, the second respondent has returned the demand drafts submitted by the petitioners towards tax and charges for issuance of Fitness Certificate to the petitioners.

4. A perusal of the letters dated 15.11.2019 reveals that the cancellation of permit, pursuant to non-payment of tax upto 31.03.2019, was the basis for the above said orders. Since the petitioners have compounded the offence as early as on 24.05.2019 and paid the motor vehicles tax till June, 2019 and the cancellation orders were also stayed by this Court, the second respondent shall re-consider the issue afresh as per Section 86(5) of the Motor Vehicles Act, 1988 and in the light of the stay order granted and the payment made by the petitioners. Hence, a direction is given to the second respondent to re-consider the issue as indicated above, within a period of two weeks from the date of receipt of a copy of this order.

5. The Writ Petitions stand disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)



S.T.Rajan

: Petitioner in W.P.(MD)No.25245 of 2019

To

1.The Regional Transport Authority,
Madurai.

2.The Secretary,
Regional Transport Authority -cum-
The Regional Transport Officer,
Madurai (Central),
Madurai.

+2 CC to M/s.S. GOVINDARAMAN, Advocate (SR-101774 & 101773)

+1 CC to M/s.Special Government Pleader (SR-102426[F] 28/11/2019)

Common Order made in
W.P. (MD) Nos.25245 and 25246 of 2019
Dated: 27.11.2019

SDS (12.12.2019) 3P 6C