

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH
Writ Petition Nos.30820 of 2018 and 4585 of 2019
and

WMP. Nos.35962 & 35965 of 2018 and 5184 & 5185 of 2019

R.Gajalakshmi

...Petitioner in both WPs.

Vs.

- 1.The State Transport Authority cum
Transport Commissioner, Ezhilagam,
Chepauk, Chennai 600 005.1st respondent in both W.Ps.
2. The Regional Transport Officer,
Hosur, Krishnagiri District. 2nd respondent in both W.Ps.
3. The Motor Vehicle Inspector Grade -I,
Office of the Regional Transport Officer,
Hosur, Krishnagiri District. 3rd Respondent in
W.P. No.30820 of 2018

PRAYER in W.P. No.30820 of 2018: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, calling for the records relating to the order R.No.29666/E4/2018, dated 10.11.2018, passed by the 1st Respondent quash the same and consequently, direct the Respondent to release the Petitioner's Inter-State Stage Carriage Permit vehicle bearing registration No.KA51B 7839, which was impounded by the 3rd respondent dated 11.07.2018, and kept at the Mattigiri Police Station, Hosur.

PRAYER in W.P. No.4585 of 2019: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, calling for the records relating to the order R.No.29783/E4/2018, dated 28.12.2018, passed by the 1st Respondent and quash the same.

For Petitioner : Mr.K.Venkatesan in both WPs.

For Respondents : Mr.D.Sathiyaraj,
Special Government Pleader
in all WPs.

C O M M O N O R D E R

W.P. No.30820 of 2018, will have to be allowed on the short point that the tenure of the Stage Carriage License issued for vehicle bearing Registration No.KA51 B 7839, is from 09.10.2017 to 08.10.2022, and thus, the impugned demand notice calling upon the petitioner to remit tax and compounding fee for the quarter ending 01.01.2017 to 31.03.2017 is clearly invalid, being even prior to the licence period. Thus, the demand is set aside and the writ petition allowed.

2. Insofar as W.P. No.4585 of 2019 is concerned, learned counsel for the petitioner accepts the position that the demand is liable to be paid, and will be remitted within a period of one (1) week from today, after adjustment of a sum of Rs.50,000/- remitted by the petitioner pursuant to order passed by this Court dated 04.12.2018 for release of the vehicle. This writ Petition is dismissed.

3. The petitioner also states that the Application for counter signature of permit is yet pending, despite the same having been filed as early as on 20.07.2018. Let the same be considered and necessary orders passed within a period of two (2) weeks from date of receipt of copy of this order. Connected Miscellaneous Petitions are closed. No costs.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

rkp

To

1.The State Transport Authority cum
Transport Commissioner, Ezhilagam,
Chepauk, Chennai 600 005.

2. The Regional Transport Officer,
Hosur, Krishnagiri District.

WEB COPY

3. The Motor Vehicle Inspector Grade -I,
Office of the Regional Transport Officer,
Hosur, Krishnagiri District

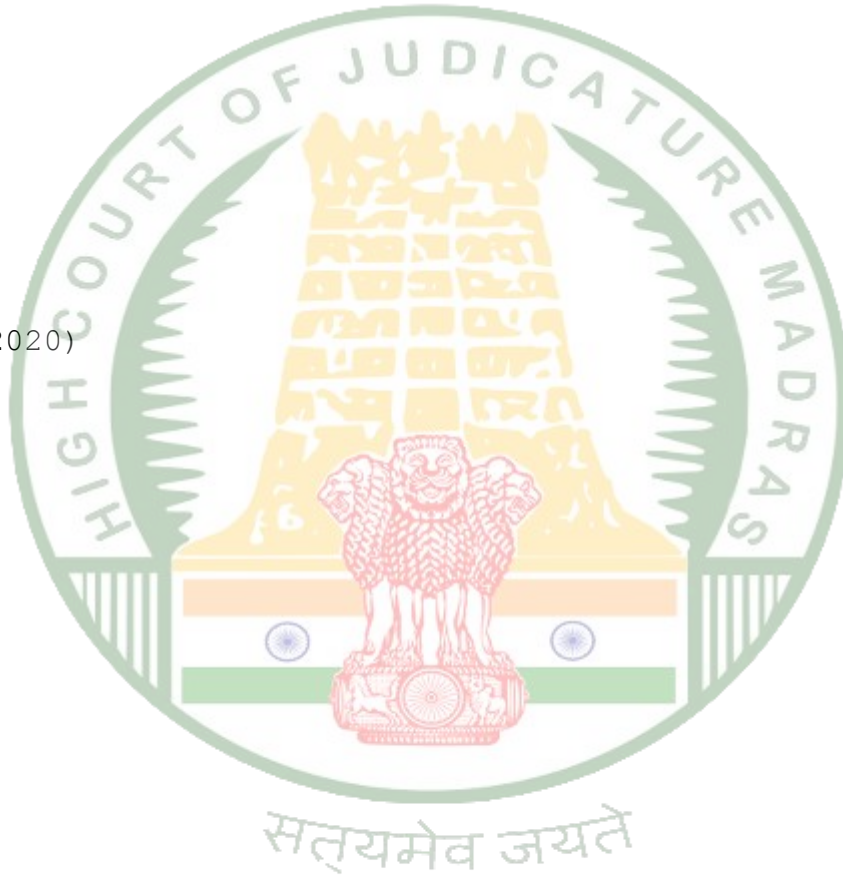
+1 CC to Mr.K.Venkatesan, Advocate sr 9576.

+1 CC to The Govt. Pleader sr 10899.

Writ Petition Nos.30820 of 2018 and 4585 of 2019
and
WMP. Nos.35962 & 35965 of 2018 and 5184 & 5185 of 2019

NMI (CO)

SP (27/02/2020)



WEB COPY