



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.18657 of 2019

The Children Welfare Home
(Gospel Orphanage)
Registered Society
Represented by its Secretary
Plot No.15, Mullai Nagar
3rd Street, Thanakkankulam Post
Madurai District 625 006

... Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its secretary
Department of Transport
Fort St.George, Chennai 600 009

2.The Transport Commissioner
State Transport Authority
Chepauk, Chennai 600 005

3.The Additional Transport Commissioner
State Transport Authority
Chepauk, Chennai 600 005

4.The Regional Transport Officer
Madurai (South)
Madurai District

... Respondents

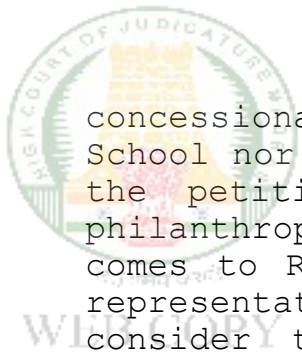
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent State Government to consider and pass orders forthwith on the petitioner's representation dated 15.07.2019.

For Petitioner	: Mr.T.Cibi Chakraborty
For Respondents	: Mr.M.Rajarajan Government Advocate

O R D E R

Heard the learned counsel appearing on either side.

2.The petitioner is a charitable institution. The petitioner is having a vehicle that is being used for transportation of the inmates of the orphanage. The petitioner's counsel points out that the vehicle owned by the Schools and Colleges are taxed at a



concessional rate. Since the petitioner institution is neither a School nor a College, it has to pay at Rs.500/- per seat. Even if the petitioner can invoke the G.O issued for the benefit of philanthropic institutions, since the concession would be at 50% it comes to Rs.250/- per seat. Therefore, the petitioner had given a representation, dated 15.07.2019 requesting the first respondent to consider the case of the petitioner on par with Schools and Colleges.

3.The petitioner wants this Court to direct the first respondent to pass orders on the said representation. I am afraid, I cannot give a direction to the first respondent as such. This is because a direction to consider and pass orders on the representation can be issued only if the legal right as such is made out. In this case, the petitioner wants concession from the Government. Therefore, I would not be justified in directing the first respondent to pass orders within a particular time. But then, the first respondent cannot ignore the petitioner's request. The petitioner's charitable activities have been favorably covered in the Media.

4.As rightly pointed out by the learned counsel for the petitioner, when corporate private educational institutions which are run for profit can be given concessional rates. I see no reason as to why the petitioner which appears to be a charitable institution should be taxed at a higher rate. Therefore, this Court would call upon to the first respondent to take note of all relevant factors and pass orders on the petitioner's representation as expeditiously as possible.

5.This writ petition is disposed of on these terms. No costs.

Sd/-

Deputy Registrar (Accounts)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1.The Secretary
State of Tamil Nadu
Department of Transport
Fort St.George, Chennai 600 009

2.The Transport Commissioner
State Transport Authority
Chepauk, Chennai 600 005

3.The Regional Transport Officer
Madurai (South)
Madurai District

+1 CC to M/s.GP (SR-13832[F] dated 07/08/2020)

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AP(13/08/2020) 3P 5C