IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.07.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10663 of 2013

T.J.Prasin ... Petitioner

- Vs -

1.The Regional Transport Officer,
Chennai South West, Chennai-600 092.

2.The Motor Vehicles Inspector,
Grade-I, Chennai (South West),
RTO Office, Virugambakkam,
Chennai-92. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in R.No.20252/B1/2012 dated 03.01.2013, quash the same, as illegal arbitrary and without jurisdiction and consequently direct the first respondent to return the Registration Certificate of the petitioner's vehicle Ford Fiesta ZXI bearing Registration No.KL-45-E-6502 and grant such other reliefs.

For Petitioner : Mr.M.P.Muthukumaran
For Respondents : Mr.V.Veluchamy

O R D E R

The order dated 03.01.2013, directing the petitioner to pay Motor Vehicle Tax by the Regional Transport Officer is under challenge in the present writ petition.

2. The petitioner states that he is a permanent resident of State of Kerala and at present, he is residing in Chennai. The petitioner is the owner of the Ford Fiesta ZXI bearing Registration No.KL-45-E-6502. He purchased the car on 17.09.2011 from its previous owner. The petitioner states that the road tax for the vehicle was paid on 30.09.2012. The road tax for the current period could not be paid in Kerala, since the original R.C. for the vehicle has been withheld by the respondents.

3. The petitioner states that he used to come to Chennai for his work and after completion of work, he used to leave Chennai to Kerala in his own car. The petitioner states that he came to Chennai in the said car on 13.02.2012 on a temporary visit. During the said visit, the car developed engine complaint and therefore, he left the car with M/s.Sri Raghavendra Auto Garage, Porur, Chennai. After repairs, he took delivery of the car from M/s.Sri Raghavendra Auto Garage, Porur, Chennai, on 24.03.2012.

4. On 29.03.2012, at 5.00 p.m., the petitioner was driving his vehicle in Chennai, the 2nd respondent, Motor Vehicles Inspector stopped his car and asked him to show its papers. The petitioner produced the Registration Certificate, Insurance Policy and Driving Licence. However, the 2nd respondent was not satisfied. He asked the petitioner, when the petitioner had come to Tamil Nadu and the petitioner replied that he came to Chennai in connection with his work on 13.02.2012, that he had left the car for repairs at Chennai and he was leaving for his home state. Not satisfied with the explanation, the respondent initiated action against the petitioner.

5. On perusal of the order impugned would reveal that the petitioner is running a business at Mahe and had shifted to Chennai and settled down with her in-laws and confirms that she is the resident of Chennai. In this case, the petitioner Thiru.T.J.Prasin has informed this Court that he is a permanent resident of Kerala, and he is using the said vehicle in the State of Tamil Nadu for a period of more than one and half months and he is working at the DLF Assets Pvt. Ltd., Chennai and continuously, plying in Chennai and after checking of the vehicle on the public road on 29.03.2012, the 2nd respondent asked the petitioner to show the documents of vehicle, he has also mis-represented this Court by stating that the vehicle is garaged for engine problem during second week of March 2012. It is also evident that the petitioner has used the vehicle on the particular dates using the parking slots of Tvl.DLF Assets Pvt. Ltd., Chennai. As such the facts and circumstances differ from the case in W.P.No.15979 of 2012 in relating to this Case.

6. Accordingly, the Appellate Authority found that the petitioner had violated the provisions of the law and therefore, liable to pay payment of tax due to the State of Tamil Nadu in respect of the said vehicle owned by the petitioner.

7. The counter filed by the respondent in paragraph No.9 reads as under:

> ''9. It is submitted that, as per the Transport Commissioner, Chennai-5 Circular No.9/2012 state that, the vehicles having address in other state in Registration Certificate and Insurance Certificate,

if found plying for more than 30 days in the state of Tamil Nadu, have to get endorsed with change of Address under sec.49 of Central Motor Vehicle Act 1988 to be done in Registration Certificate and Life Time Tax under rule 3(1) (b) of Tamil Nadu Motor Vehicle Taxation rules 1974 and should be collected if not paid. He regularly having used the vehicle in state of Tamilnadu for more than 30 days.''

8. In view of the facts and circumstances as established, this Court is of the opinion that the petitioner has suppressed the facts regarding his stay in Chennai as well as parking of his vehicle in DLF Company at Chennai. Hence, the petitioner is not approached this Court with clean hands and the facts are also wrongly placed. Thus, this Court is not inclined to grant any relief. Accordingly, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssn/dh

To

1.The Regional Transport Officer,
Chennai South West, Chennai-600 092.

2.The Motor Vehicles Inspector,
Grade-I, Chennai (South West),
RTO Office, Virugambakkam,
Chennai-92.

+1cc to Mr.K.S.Vamsidhar, Advocate SR.No. 31324
+1 cc to Government Pleader Sr.No. 31398

W.P.No.10663 of 2013

PCH (CO)
A.SK(02.08.2021)