

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.6721 of 2021

and

W.M.P.No.7281 of 2021

Dr.P.Thooyamani

... Petitioner

vs.

1. The Regional Transport Officer,
Kancheepuram District,
Kancheepuram

2. The Motor Vehicle inspector,
Grade-1, Maduranthagam,
Kancheepuram District,
Kancheepuram.

3. Inspector of Police,
Chunampedu Police Station,
Kancheepuram District,
Kancheepuram.

... Respondents

Prayer:

Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 2nd respondent pertaining to his proceedings bearing receipt number "Duplicate 114572" dated 24.02.2021 and quash the same.

For Petitioner ... Mr.K.S.Karthik raja

For Respondents ... Mr.M.Elumalai,
Additional Government Pleader

O R D E R

The petitioner is a Doctor by Profession, who studied in Jawaharlal Institute of Post Graduate Medical Education and Research(JIPMER), Puducherry and claims that he was residing at Puducherry from 2014 onwards. When the petitioner was travelling from Puducherry to Chennai, he met with an accident in Tamil Nadu jurisdiction, for which, a case has been registered by Chunampedu Police Station in Crime No.885/2020 for the alleged offence punishable under Sections 279 and 337 of IPC.

2. During the course of investigation, the 2nd respondent, based on the Aadhar card, submitted by the petitioner, showing his permanent residential address as Tirupur, found that the petitioner has purchased a VW POLO 1.5 TDI Highline Car bearing registration No. PY01CE9540 at Puducherry to evade Tamilnadu

Road Tax. Hence, the respondents seized the vehicle with notice to the petitioner to pay the differential amount of road tax. Aggrieved over the same, the petitioner has preferred this writ petition.

3. Learned counsel for the petitioner submits that the petitioner had studied Post Graduation in Anaesthesiology at JIPMER and completed the Course in the year 2017 and he claims that the petitioner was residing at Puducherry. The petitioner purchased Volksw Car, Model No. VW POLO 1.5 TDI Highline, in the year 2014 and the same was registered with Puducherry registration and the petitioner is not having any intention to evade tax. He claims that the said car was purchased, while he was studying at JIPMER College, Puducherry. Learned counsel further submitted that the 2nd respondent has passed the impugned order dated 24.02.2021, on the basis of the Aadhar Card submitted by the petitioner, showing his permanent address as Tiruppur, without considering the fact that the petitioner purchased the said vehicle at Puducherry, while he was studying at JIPMER in the year 2014. The petitioner also claims that he was temporarily residing at Puducherry, but without affording an opportunity to explain the same, the 2nd respondent has passed the impugned order.

4. In view of the facts and circumstances of the case, this Court is of the opinion that the impugned order is liable to be set aside. Accordingly, the same is set aside and the 2nd respondent is directed to conduct a fresh enquiry by affording an opportunity of hearing to the petitioner. The petitioner shall furnish all the details to establish that the said vehicle was purchased by him while he was studying at JIPMER, Puducherry. Based on the materials to be furnished by the petitioner, the 2nd respondent shall pass an order after affording an opportunity of hearing to the petitioner. Such exercise shall be done by the 2nd respondent within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

vsi

To

1. The Regional Transport Officer,
Kancheepuram District,
Kancheepuram.
2. The Motor Vehicle inspector,
Grade-1, Maduranthagam,
Kancheepuram District,
Kancheepuram.
3. The Inspector of Police,
Chunampedu Police Station,
Kancheepuram District,
Kancheepuram.

+1cc to Mr.K.S.KARTHIKRAJA, ADVOCATE, SR.NO. 16638

+1cc to M/s.Special Government Pleader, SR.NO.17145

W.P.No.6721 of 2021

PL (CO)
KKN 21.04.2021



WEB COPY