IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.7346 of 2021

A. Viswanathan ... Petitioner

Vs.

1. Union of India,
   rep. By Union Territory of Puducherry,
   rep. By Transport Commissioner,
   Secretariat, Puducherry.

2. Union of India,
   Rep. ByUnion Territory of Puducherry,
   Rep. By the Regional Transport Officer,
   Puducherry.

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents herein to forthwith issue the certificate of stoppage of the petitioner vehicles bearing Registration Nos.PY-01/CD-7299 having permit to ply on the inter-state route "Pondicherry to Chennai" and the spare bus bearing Registration No.PY-01/CE-7299.

For Petitioner : Mr. S.Radha Gopalan

For Respondents : Mr.D. Ravichandran, AGP (Pondicherry)

O R D E R

This Writ Petition has been filed praying for a Mandamus directing the respondents to issue the certificate of stoppage of petitioner's vehicles having permission to ply on the inter-state route 'Pondicherry to Chennai' and the spare bus.

2.According to the petitioner, he is a stage carriage operator operating his vehicles under the inter-state permit issued by the 1st respondent to ply on the route 'Puducherry to Chennai'. Due to COVID-19 pandemic and continuous lock down, the petitioner was unable to ply his vehicles in the said route from 23.3.2020 and gave stoppage report to the respondents on 03.04.2020. It is the further case of the petitioner that as per G.O.Ms.No.17/Tr.Sectt/2020 dated 9.12.2020, in respect of stage carriages, the payment of taxes for the first and second quarters of the financial year 2020-2021 i.e., from 01.04.2020 to 30.09.2020 has been exempted subject to the condition that the consideration of applications for stoppage of vehicles received by the transport Department under Rule 9 of Puducharry Motor Vehicles Taxation Rules, 1967, will be subsumed under the exemption relief and stoppage of vehicles beyond 30.09.2020 shall not be entertained. Pursuant to the same, as the insurance in respect of the petitioner's vehicles got expired in October 2020, the petitioner gave a representation on 10.11.2020 to the 1st respondent requesting to make an endorsement in the Registration Certificate to the effect that he did not ply the vehicles during the relevant period so as to enable him to re-validate the insurance policy. Pending the said representation, the petitioner paid tax for the period from 01.10.2020 to 01.12.2020. Thereafter, without considering G.O.Ms.No.17/Tr.Sectt/2020 dated 9.12.2020 and Circular dated 17.12.2020, a communication dated 11.01.2021 was sent to the petitioner stating that the first respondent was unable to issue the certificate as prayed by the petitioner. On receipt of the same, pointing out the discrepancies in the said communication, the petitioner made a representation dated 26.02.2021, to reconsider his claim seeking issuance of stoppage certificate, by referring to the aforesaid G.O and Circular issued by the first respondent. Since, the said representation was not considered till date, the petitioner has no other option except to approach this Court with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the petitioner required the certificate of stoppage of vehicles, only for the purpose of revalidation of the insurance policy and not for any other purpose; and that the petitioner now, undertakes not to claim refund of the tax already paid by him. Pointing out the same, the learned counsel prayed that this Court may direct the first respondent to consider the representation of the petitioner dated 26.02.2021 and pass appropriate order, to the limited extent.

4. The learned Additional Government Pleader appearing for the respondents has no serious objection for considering the said representation dated 26.02.2021 of the petitioner on merits.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the first respondent to consider the representation of the petitioner dated 26.02.2021, in the light of G.O.Ms.No.17/Tr.Sectt/2020 dated 9.12.2020 and Circular dated 17.12.2020, and pass appropriate orders, on merits, within

a period of three weeks from the date of receipt of a copy of this order.

6.The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msr
To
1. Transport Commissioner,
Union Territory of Puducherry,
Secretariat, Puducherry.

2. The Regional Transport Officer,
Union Territory of Puducerry.
Secreteriat, Puducherry.

+1cc to Mr. Radha Gopalan, Advocate SR.No. 25642
+1 cc to Government Pleader Sr.No. 26117

W.P.No.7346 of 2021

LN(CO)
A.SK(12.07.2021)