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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.10.2021

PRONOUNCED ON : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.19949 AND 19203 OF 2021

IN

W.M.P.NOS.21203, 21204, 21206, 20492,  
20493, 20495 OF 2021

S.Thirumoorthy

...Petitioner in  
W.P.No.19949 of 2021

P.Tamilselvi

... Petitioner in  
W.P.No.19203 of 2021

.Vs.

1. The Union of India,  
Rep. By the Secretary,  
Ministry of Road Transport  
and Highways,  
New Delhi.
2. The Secretary to Government,  
Transport Department,  
St.George Fort,  
Secretariat,  
Chennai - 9.
3. The Transport Commissioner,  
Transport Department,  
Ezhilagam, Chepauk,  
Chennai - 5.
4. The Regional Transport Officer,  
Office of the Regional Transport Office,  
Cuddalore, Cuddalore District.
5. The Motor Vehicle Inspector,  
Grade-I, Cuddalore,  
Cuddalore District.

... Respondents 1 to 5 in  
both Writ petitions



6. The Inspector of Police,  
Mantharakuppam Police Station,  
Cuddalore, Cuddalore District.

... 6<sup>th</sup> respondent in  
W.P.No.19949 of 2021

7. The Inspector of Police,  
Vadalur Police Station,  
Cuddalore, Cuddalore District.

... 6<sup>th</sup> respondent in  
W.P.No.19203 of 2021

Prayer in W.P.No.19949 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the 5<sup>th</sup> respondent relating to the impugned Check Report NoA 1987728, dated 05.09.2021.

Prayer in W.P.No.19203 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the 5<sup>th</sup> respondent relating to the impugned Check Report NoA 1987721 dated 30.08.2021.

For Petitioners : Mr.A.E.Lakshmi Narayanan

For Respondents : Mrs.P.J.Anitha,  
Central Government  
Standing counsel  
For R1 in W.P.No.19949 of 2021

Mr.M.R.Murugesan  
Central Government  
Standing counsel  
For R1 in W.P.No.19203 of 2021

Mr.Haja Nazurudeen  
Additional Advocate General  
Assisted by Mr.U.Baranidharan  
Government Advocate  
For R2 to R6 in both WPs

#### COMMON ORDER

The subject matter of challenge in these present Writ Petitions pertain to the impugned check report issued by the 5<sup>th</sup> Respondent dated 30.08.2021 and 05.09.2021 respectively.

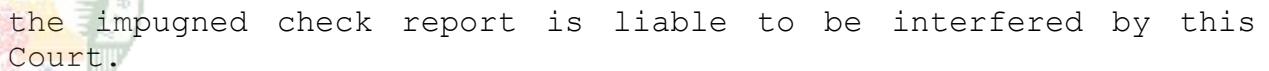


2. The case of the Petitioners is that they are owners of sleeper bus which has been registered in Nagaland and Puducherry respectively. They have obtained All India Tourist Permit having validity for the whole of India for a period of three months. They have also obtained All India Tourist Vehicle Authorisation Certificate from the appropriate authority. The Petitioners therefore claim that they have a right to ply their buses throughout India.

3. The further case of the Petitioners is that they have been issued authorisation certificate under Form 47 issued under Rules 83(2) and 87(2) of the Motor Vehicle Rules (herein after referred as MV Rules).

4. It is stated that the Petitioners were operating their tourist vehicles from Puducherry to Coimbatore and their vehicles were intercepted by the 5<sup>th</sup> Respondent and all the relevant documents were scrutinised. Thereafter, the vehicles were detained on the ground that there is a breach of permit conditions and all the passengers were offloaded. Thereafter, the impugned check report was issued by the 5<sup>th</sup> Respondent and the same has been made a subject matter of challenge in these Writ Petitions.

5. The learned counsel for the Petitioners submitted that the check report issued by the 5<sup>th</sup> Respondent is illegal and the same was issued without any cross checking or verification of the passenger list and it is an arbitrary exercise of power. The learned counsel further submitted that there is absolutely no breach of permit conditions. That apart, the vehicle has an All India Tourist Permit and All India Tourist Vehicle Authorisation Certificate, which is governed by All India Tourist Vehicles (Authorisation or Permit) Rules (hereinafter referred as the Rules) notified on 10.03.2021 and therefore, the Petitioners are not liable to pay any tax under the Tamil Nadu Motor Vehicle Taxation Act, 1974 (hereinafter referred as the Act). To substantiate this submission, the learned counsel for the Petitioners relied upon Rule 6 of the Rules, which contemplates distribution of fees paid towards authorisation or permit among the States and Union territories as per the formula. By relying upon this rule, the learned counsel submitted that insisting the Petitioners to pay the tax once again in Tamil Nadu will amount to double taxation. The learned counsel further submitted that the Rules were brought into force to ensure that All India Tourist Vehicles have a seamless movement of tourist passenger vehicles throughout India. While these Rules were formulated, Tamil Nadu also participated and they never objected when the draft Rules were published. The learned counsel for the Petitioners therefore concluded his arguments by submitting that



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8. Heard the respective learned counsel appearing on behalf of the petitioners and Mr.Haja Nazurudeen, learned Additional Advocate General, Assisted by Mr.U.Baranidharan, Government Advocate, for respondents 2 to 6 in both the writ petitions.

10. There are two issues that requires the consideration of this Court and they are:

B. Whether the Petitioners have committed breach of permit conditions and hence, their vehicles are liable to be detained by the



competent authority under Section 207 of the Motor Vehicles Act, 1988?

11. This Court will now take up the 1<sup>st</sup> issue for consideration. Before going into this issue, it is important to understand the scope of the 2021 Rules. These Rules were brought into force in exercise of powers conferred under Section 88(9) and (14) r/w Section 89(1) (g) of the Motor Vehicles Act, 1988. These Rules were brought into force in supersession of the 1993 Rules.

12. For better appreciation, certain definitions and provisions which are directly relevant to decide the issue are extracted hereunder.

## 2. Definitions.—

(1) In these Rules, unless the context otherwise requires, -

...

(b) "Authorisation" means an authorisation granted by the Transport Authority to enable tourist vehicles operator/ owner to ply tourist vehicle throughout the territory of India subject to the payment of taxes or fees, if any, levied by the State or Union territory through which it plies;

...

(d) "Permit" means a permit issued by the Transport Authority to enable a tourist vehicle operator/ owner to ply tourist vehicle throughout the territory of India without payment of taxes or fee levied by the State or Union territory through which it plies;

(2) The words and expressions used in these Rules but not defined herein and defined in the Act shall have the same meanings respectively assigned to them in the Act.

..

6. Distribution of consolidated authorisation or permit fee among States and Union territories. -

(1) The fee paid towards authorisation or permit, as the case may be, shall be remitted on a monthly basis to the jurisdictional State.



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(2) The permit fee collected under rule 5 shall be distributed among the States and Union territories as per the formula given below:

$SR_n = SS_n \times (\text{Actual revenue for the month for the country})$

$SR_n = \text{Actual State Revenue for the month for } n^{\text{th}} \text{ State}$

$SS_n = \text{State share of } n^{\text{th}} \text{ State}$   
 $= \text{Total revenue for each State for preceding three financial years}$

Total revenue of all the States/Union territories for preceding three financial years

7. Scope and Validity of authorisation or permit.

(1) The authorisation or permit, as the case may be, shall be valid throughout India.

(2) The authorisation or permit, as the case may be, shall be used for the transport of passengers individually or in a group, along with their personal luggage.

(3) No individual or a group of individuals shall use the vehicle for the transport of passengers individually or in a group, unless they have a valid authorisation or permit, as the case may be, either in electronic form or in physical form.

16. Exemption.—

(1) The conditions prescribed in Rules 82 to 85A of the Central Motor Vehicles Rules, 1989 shall not apply to the permits granted under these Rules.

(2) The permit issued under the Motor Vehicles (All India Permit for Tourist Transport Operators) Rules, 1993 shall continue to be in force during their validity period as if they were issued under the All India Tourist Vehicles (Authorisation or Permit) Rules, 2021.

13. It is also relevant to take note of Section 88 (9), (11) and (14) of the Motor Vehicles Act, 1988 and the same are



extracted hereunder :-

88. Validation of permits for use outside region in which granted.—

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(9) Notwithstanding anything contained in sub-section (1) but subject to any Rules that may be made by the Central Government under sub-section (14), any State Transport Authority may, for the purpose of promoting tourism, grant permits in respect of tourist vehicles valid for the whole of India, or in such contiguous States not being less than three in number including the State in which the permit is issued as may be specified in such permit in accordance with the choice indicated in the application and the provisions of sections 73, 74, 80, 81, 82, 83, 84, 85, 862 [clause (d) of sub-section (1) of section 87 and section 89] shall, as far as may be, apply in relation to such permits.

(11) The following shall be conditions of every permit granted under sub-section (9), namely:—

(i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in this behalf;

(ii) every such motor vehicle shall be driven by a person having such qualifications and satisfying such conditions as may be specified by the Central Government; and

(iii) such other conditions as may be prescribed by the Central Government.

(14) (a) The Central Government may make Rules for carrying out the provisions of this section.

(b) In particular, and without prejudice to the generality of the foregoing power, such Rules may provide for all or any of the following matters, namely:—

(i) the authorisation fee payable for the issue of a permit referred to in sub-sections (9) and (12);



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(ii) the fixation of the laden weight of the motor vehicle;

(iii) the distinguishing particulars or marks to be carried or exhibited in or on the motor vehicle;

(iv) the colour or colours in which the motor vehicle is to be painted;

(v) such other matters as the appropriate authority shall consider in granting a national permit.

Explanation.—In this section,—

(a) “appropriate authority”, in relation to a national permit, means the authority which is authorised under this Act to grant a goods carriage permit;

(b) “authorisation fee” means the annual fee, not exceeding one thousand rupees, which may be charged by the appropriate authority of a State to enable a motor vehicle, covered by the permit referred to in sub-sections (9) and (12) to be used in other States subject to the payment of taxes or fees, if any, levied by the States concerned;

(c) “national permit” means a permit granted by the appropriate authority to goods carriages to operate throughout the territory of India or in such contiguous States, not being less than four in number, including the State in which the permit is issued as may be specified in such permit in accordance with the choice indicated in the application.

14. It will also be relevant to take note of the authorisation issued for the vehicles under Form 47. It is specifically stated in the said authorisation certificate that the said authorisation is valid in the States mentioned therein, subject to payment of taxes by the permit holder to the respective States. One such State mentioned in the authorisation certificate is Tamil Nadu.

15. The Central Government in exercise of powers conferred by Section 88(9) and (14) r/w Section 89(1) (g) of the Motor Vehicle Act, originally enacted the Motor Vehicle (All India



permit for tourist transport operators) Rules, 1993. These Rules were superseded by the 2021 Rules, which came into effect from 01.04.2021. On going through the definitions of the terms "authorisation" and "permit" which have been extracted supra, it can be seen that authorisation is granted to the tourist vehicle operator to ply the tourist vehicle subject to payment of tax levied by the State through which the vehicle is plied. Whereas when it comes to the term Permit, it is specifically stated that the permit issued by the transport authority will enable the operator to ply the tourist vehicle throughout India without payment of taxes or fee levied by the State through which the vehicle plies.

16. While considering the term authorisation, which entitles the State to levy tax, explanation to Section 88 which explains "authorisation fee" has to be taken into consideration. A careful reading of this explanation shows that the fee collected towards the authorisation certificate does not include the tax payable to the concerned State Government through which the tourist vehicle plies. In view of this finding, Rule 6 of the 2021 Rules, which deals with distribution of the authorisation or permit fee among the States and the Union territories does not cover the tax levied by the concerned State or Union territory.

17. The 2021 Rules framed by the Central Government cannot take away the exclusive power of the State to impose tax covered under Entries 56 and 57 of List II of the Seventh Schedule of Constitution of India, 1950. The Act and the Rules thereunder which provides for levy and collection of tax on every motor vehicle used in the State of Tamil Nadu, has been enacted by virtue of the exclusive power conferred under List II. Section 3 of the Act is the charging section and the tax is levied and collected on motor vehicles as specified in the Schedule to the Act. In view of the same, the Petitioners are liable to pay tax in accordance with the IX th Schedule to the Act and the permit held by the Petitioners under the 2021 Rules does not exempt the Petitioners from paying the necessary tax under the relevant enactment and at the best it only enables the petitioners to enter into the State without paying any separate fee.

18. In order to understand the scope of the exclusive power vested in the State Government to levy such a tax, it is relevant to take note of the judgement of the Hon'ble Supreme Court in Sharma Transport Vs. State of Andhra Pradesh and others reported in 2002 2 SCC 188 and Paragraph Nos. 8 to 12 are extracted hereunder :-

8. This is not a case where the theory of occupied field can be made applicable. The Taxation Act



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essentially deals with fares charged from passengers and freight collected from them. On the contrary, the Act deals with levy on vehicles. They are conceptually different. Whatever has been stated above in the background of Article 73 is equally applicable to Articles 256 and 257 of the Constitution. Article 256 provides that the executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose. This article has application only when any law has been made by Parliament and the executive power of the State is made subservient to it by requiring it to ensure compliance with such laws. Where it appears to the Government of India that it is so necessary to do, directions can be issued. Article 257 provides that the executive power of every State shall be so exercised as not to impede or prejudice the exercise of the executive power of the Union. Where the Government of India feels it so necessary to do so, it can issue a direction. At the cost of repetition it may be noted that there is no law specifying the principles of taxation on the subject-matter of controversy so as to bring in application of either Article 256 or Article 257 of the Constitution.

9. It has to be noted that clause (b) in Article 73 cannot apply to legislative powers of the State. The expression "agreement" referred to in the said clause has to be considered in terms of Article 299 of the Constitution. Article 246 deals with the subject-matter of laws made by Parliament and legislatures of States. Clause (1) of the said article gives exclusive power to deal with the matters enumerated in List II of the Seventh Schedule. The expression "for that purpose" in Article 256 refers to the requirement of compliance with the laws made by Parliament. Article 256 operates if the Government of India feels that the executive power of the States is being exercised in a manner which may amount to impediment with the executive power of the Union. It has to be noted that Entry 56 of List II of the Seventh Schedule deals with passengers and the



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Union has no power to levy taxes in respect of passengers. Above being the position, there is no substance in the plea of the appellants that the letter of the Joint Secretary to the Government of India dated 30-8-1993 was in the nature of a direction.

10. It is also submitted that Rule 1(4) of the Permit Rules is intended to curtail the power of the State to levy taxes in respect of vehicles. This plea also is without any substance. The said Rule is not intended to have the effect of curtailing power of the States to levy taxes under relevant enactments. The said Rule reads as follows :

"1. (4) The conditions prescribed in Rules 82 to 85-A of the Central Motor Vehicles Rules, 1989 shall not apply to the permits granted under this scheme." \*

11. Power to levy taxes on vehicles, whether mechanically propelled or not vests solely in the State Legislature, though it may be open to Parliament to lay down the principles on which the taxes may be levied on mechanically propelled vehicles in the background of Entry 35 of List III. To put it differently, Parliament may lay down the guidelines for the levy of taxes on such vehicles, but the right to levy such taxes vests solely in the State Legislature. No principles admittedly have been formulated by Parliament. In that sense, the Government of India's communication dated 30-8-1993 does not in any sense violate the power of the State Legislature or its delegates to levy or exempt taxes from time to time.

12. It is the stand of the appellants that what is ruled out by application of Rule 1(4) of the Permit Rules has been indirectly brought into force. Reference has been made to Rule 84 of the Central Rules to submit that the levy which is permitted in terms of that Rule is clearly excluded of its application. This plea is equally without any substance as Rule 84 states that the liability to pay taxes under the law does not cease merely on account of obtaining a tourist permit. The said Rule is not a substantive charging provision as far as levy is concerned. The power to levy tax, to reduce or exempt the tax



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and to withdraw concession granted did not have its source in Rule 84, but are clearly founded on the taxing statute i.e. the Taxation Act. It is nobodys case that the State is authorized to levy or collect taxes only by operation of Rule 8

19. The learned counsel for the Petitioners placed reliance upon Entry 35 of the concurrent list and submitted that Entries 56 and 57 of the State list is subject to Entry 35 of the concurrent list. To deal with this issue, it will be relevant to take note of the judgment of the Hon'ble Supreme Court in B.A. Jayaram v. Union of India reported in 1984 1 SCC 168. Paragraphs 9 and 10 of the judgment are extracted hereunder.

9. By virtue of the power given to them by Entries 56 and 57 of List II each one of the States has the right to make its own legislation to compensate it for the services, benefit and facilities provided by it for motor vehicles operating within the territory of the State. Taxes resulting from such legislative activity are by their very nativity and nature, cast (sic caste) and character, regulatory and compensatory and, are therefore, not within the vista of Article 301. unless, as we said, the tax is a mere pretext designed to injure the freedom of inter-State trade, commerce and intercourse. The nexus between the levy and the service is so patent in the case of such taxes that we need say no more about it. The Karnataka Motor Vehicles Taxation Act and the Motor Vehicles Taxation Acts of other States are without doubt regulatory and compensatory legislations outside the range of Article 301 of the Constitution.

10. It is true that the object of enacting Section 63(7) by the Parliament was to promote all-India and inter-State tourist traffic. But 'taxes on vehicles... suitable for use on roads' is a State legislative subject and it is for the State Legislature to impose a levy and to exempt from the levy. True again, Entry 57 of the State List is subject to Entry 35 of the Concurrent List and, as explained by us at the outset, it is therefore open to the Parliament to lay down the principles on which taxes may be levied on mechanically propelled vehicles. But the Parliament while enacting Section 63(7) of the Motor Vehicles Act refrained from indicating any such principles, either expressly or by necessary



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implication. The State's power to tax and to exempt was left uninhibited. It may be that a State legislation, plenary or subordinate, which exempts "non-home-State tourist vehicles" from tax would be advancing the object of Section 63(7) of the Motor Vehicles Act and accelerating inter-State trade, commerce and intercourse. But merely by Parliament legislating Section 63(7), the State Legislatures are not obliged to fall in line and to so arrange their tax laws as to advance the object of Section 63(7), be it ever so desirable. The State is obliged neither to grant an exemption nor to perpetuate an exemption once granted. There is no question of impairing the freedom under Article 301 by refusing to exempt or by withdrawing an exemption. Not to pat on the back is not to stab in the back. True, straw by straw, the burden of taxation on tourist vehicles increases as each State adds its bit of straw, but, then, each State is concerned with its coffers and has the right to tax vehicles using its roads; and, the contribution which a tourist carriage is required to make to its treasury is no more than what other contract carriages are required to make. We are firmly of the view that there is no impairment of the freedom under Article 301. The special submission on behalf of the 'Karnataka Operators' that the withdrawal by the Karnataka Government of the exemption granted to 'outsiders' has resulted in the 'Karnataka Operators' having to pay tax in every State in the country and, therefore, the withdrawal has impaired the freedom under Article 301 is but the same general submission, seen through glasses of a different tint. It does not even have the merit that the withdrawal of the Karnataka exemption affects them directly. The submission is rejected.

20. A coherent reading of Entries 56 and 57 of the State list and Entry 35 of the concurrent list makes it abundantly clear that the power to levy taxes on vehicles vests solely on the State legislature, though it may be open to the parliament to lay down the Principles on which taxes may be levied on mechanically propelled vehicles. In the present case, the authorisation certificate itself makes it clear that the same is valid in the States mentioned therein, subject to payment of taxes. That apart, even under the 2021 Rules, authorisation will be granted by the transport authority, subject to the payment of tax levied by the State through which the vehicle plies. Therefore, the Rules do not take away the right of the State of



Tamil Nadu to levy tax under the relevant enactment and the reliance placed upon by the learned counsel for the Petitioner on Entry 35 of the concurrent list does not come to the aid of the Petitioner.

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21. It is also relevant to take note of the judgement of this Court in N.S Tourist vs. State of Tamil Nadu reported in 2002 2 CTC 739 and paragraphs 10 and 11 in the said judgment are extracted hereunder.

10. The Rajasthan High Court, while dealing this aspect has held as follows:

"4. undoubtedly, the provisions of Section 4 of the Act, 1951 provide for a charging section which is in consonance with the legislative power of the State, as imposing the tax on motor vehicles for passengers or goods is within the competence of the State being a subject-matter of Entries Nos. 56 and 57 of List II of Seventh Schedule of the Constitution. The "transport vehicles", as defined under the Motor Vehicles Act, 1988, cover all transport vehicles plying for hire or reward for carrying passengers or goods irrespective of the fact whether the vehicle is operated on temporary or on non-temporary permit and whether it is used or kept for use.

5. The 1993 Rules provide for "authorisation certificate", which means a certificate issued by an "appropriate authority" to a recognised tourist transport operator authorising him to operate throughout the territory of India, or in those contiguous State not being less than three in number including the State in which the permit is issued on recognised tourist circuits as are specified in the All India Permits for a tourist vehicle granted to him.

6. It is difficult to imagine that if the imposition of tax on vehicles is a subject matter of State List, how the Central Government can frame the Rules regarding imposition of tax in this respect.



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7. It is evident from the record that whatever may be the sanctity of the Minutes of meeting dated 24.4.92 (Annexure-4). the State of Rajasthan has not amended the provisions of the Act, 1951

8. More so, as referred to above, there can be no dispute regarding the legal proposition that as the tax on such vehicles is leviable only by the State Government, the Central Government cannot frame the Rules for imposition of such tax. (Vide Ahmedabad Urban Development Authority v. SharadkurJayanlikumarPasawalla & Co., AIR 1992 SC 2038. It can merely persuade the State Government to amend its Act/Rules/ notification prescribing the said "composite fee" for vehicles covered by the said Scheme. But unless the State accepts it, the concept of composite fee remains unenforceable."

11. I fully concur with the view of the learned Judge and I am of the view that the questions raised by the petitioners herein are answered and covered by the said decision. The Tamil Nadu Motor Vehicles, . Act, 1974 imposes a levy of tax on motor vehicles In the state of Tamil Nadu. Sub-section (3), the charging section says that tax shall be levied on every motor vehicle issued or kept for use in the state of Tamil Nadu at the rate specified in the Schedule. Sub-section (4) provides for payment of tax in the manner prescribed at 'his choice either quarterly, half-yearly or annually. Section 4(2) says that no motor vehicle shall be used or kept for use in the state of Tamil Nadu at any time unless a licence has been obtained by paying the tax. Section 14 provides for penalty for non-payment of tax. Section 18-A provides for detention of the motor vehicle for non-payment of tax. Section 20 of the said Act provides for remissions of tax subject to certain conditions. In exercise of this power, the Government, in G.O. Ms. No. 1122, Home (Transport, A) Department dated 10.7.1992, reduced the rate of tax with effect from 7.11.1990 in respect of tourist vehicles at the rates specified. The order says that if the period of use does not exceed seven days, the temporary permits granted in respect of tourist vehicles need only pay one-



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tenth, one-third of the quarterly tax specified in the First Schedule and equivalent to the quarterly tax, if it exceeds 90 days. Hence, assuming in favour of the petitioners, it applies only to temporary permits issued for less than 30 days.

22. In view of the above discussion, this Court has absolutely no hesitation to hold that the Petitioners are liable to pay the tax under the Act in order to ply the tourist vehicle in the State of Tamil Nadu. The first issue is answered accordingly.

23. The second issue is with regard to the breach of permit conditions. According to the Respondents, the Petitioners, who have a tourist vehicle can only use it as a contract carriage, and instead, the same is being used as a stage carriage. For this purpose, Sec 2 (7) and (40) of the Motor Vehicle Act was brought to the notice of this Court. That apart, the judgments of the Hon'ble Supreme Court in Roshan Lal Gautam v. State of Uttar Pradesh reported in AIR 1965 SC 991 and Brijendra Kumar Chaudhari v. State of Uttar Pradesh reported in 1992 4 SCC 703 were pressed into service. Reliance was also placed upon the list of passengers and the destination from where they were picked up and where they are dropped. The Respondents came to the conclusion on the prima facie material that there was a breach of permit conditions and accordingly, the vehicles were detained in exercise of powers under Section 207 of the Motor Vehicle Act.

24. This Court does not want to go into the factual dispute as to whether the Petitioners have violated the permit conditions. The same has to be decided by the competent authority based on the explanation given by the Petitioners. This Court does not want to go into the issue and give a finding at this preliminary stage. Therefore, it is left open to the Petitioners to give their explanation before the Respondents 4 and 5 and based on the same, a decision can be taken in accordance with law. The second issue is answered accordingly.

25. The upshot of the above discussion leads to the conclusion that there is no illegality or arbitrariness in the action taken by the Respondents. The Petitioners are liable to pay the tax under the Act and Rules thereunder, if they want to ply the vehicle in the State of Tamil Nadu. In so far as the breach of permit condition is concerned, the Petitioners shall give their explanation along with all the materials before the 4<sup>th</sup> and 5<sup>th</sup> Respondents and the same shall be considered and appropriate orders shall be passed within a period of 1 week from the date of receipt of the explanation from the Petitioners. If the vehicles have been detained, the same shall



be released after a final decision is taken by the concerned authority and the Petitioners make the necessary payments, if levied.

26. In the result, both these Writ Petitions are dismissed with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VII)

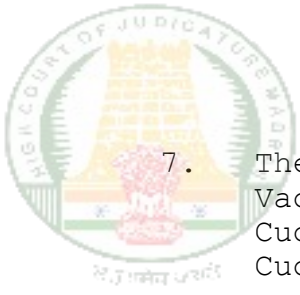
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Sub Assistant Registrar

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To

1. The Secretary,  
The Union of India,  
Ministry of Road Transport and Highways,  
New Delhi.
2. The Secretary to Government,  
Transport Department,  
St.George Fort,  
Secretariat,  
Chennai - 9.
3. The Transport Commissioner,  
Transport Department,  
Ezhilagam, Chepauk,  
Chennai - 5.
4. The Regional Transport Officer,  
Office of the Regional Transport Office,  
Cuddalore,  
Cuddalore District.
5. The Motor Vehicle Inspector,  
Grade-I, Cuddalore,  
Cuddalore District.
6. The Inspector of Police,  
Mantharakuppam Police Station,  
Cuddalore,  
Cuddalore District.



7. The Inspector of Police,  
Vadalur Police Station,  
Cuddalore,  
Cuddalore District.

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+2ccs to Mr.A.E.Lakshmi Narayanan, Advocate, S.R.Nos.53094  
& 53095

+1cc to Mr.M.R.Murugesan, Advocate, S.R.No.53004

W.P.NO.19949 AND 19203 OF 2021 IN  
W.M.P.NOS.21203, 21204, 21206,  
20492, 20493, 20495 OF 2021

KV (CO)  
PBS/25/10/2021