IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.No.11947 of 2022
and
W.M.P.No.11369 of 2022

South Indian Routes
Rep. by its Partner P.Maharajan
No.373, 17th Main Road
Anna Nagar, Chennai - 600 040.

...Petitioner

Vs.

1. The State Transport Authority
   Chepauk, Chennai - 600 005.

2. The Joint Transport Commissioner(Rules)
   Office of the Transport Commissioner
   Chepauk, Chennai - 600 005.

3. The Regional Transport Officer
   Chennai (North West)
   Chennai 600 040.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the application submitted by the petitioner in Form SPR Part A for stoppage of the petitioner's vehicle bearing Registration No.TN-21-AU-5024, for the period from 01.04.2021 to till date, and thereby permit the petitioner to ply the vehicle by paying the tax from the period (i.e,) from 01.05.2022 to 30.06.2022, by without insisting the tax for the earlier periods.

For Petitioner : Mr.S.Sarath Kumar

For Respondents : Ms.Rajarajeshwari
Government Advocate

ORDER

This writ petition has been filed by the petitioner to direct the respondents to consider the application submitted by the petitioner in Form SPR Part A for stoppage of the petitioner's vehicle bearing Registration No.TN-21-AU-5024, for the period from 01.04.2021 to till date, and thereby permit the petitioner to ply the vehicle by paying the tax from the period (i.e,) from 01.05.2022 to 30.06.2022, by without insisting on the tax for the earlier periods.

2. The crux of the case is that the petitioner-South Indian Routes, deals with Contract Carriage Vehicles. Due to the Covid-19 Pandemic (Corona) and the restrictions on travel imposed by the Government, the petitioner had stopped the usage of vehicle from 01.04.2021. It is stated that the petitioner had submitted an application for continued stoppage of the vehicle in Form SPR Part A on 30.04.2021 and the said application was received by the first and second respondents and the same was also acknowledged with office seal dated 30.04.2021, but the same was not considered by the respondents. It is further stated by the petitioner that they have even submitted a stoppage application on 29.09.2021, for the period from 01.10.2021 to 31.12.2021, but the stoppage application was also not considered by the respondents.

3. It is further stated by the petitioner that their vehicle, with a seating capacity of 34 passengers, was liable to pay a quarterly tax amount of Rs.3,000/- per seat, totally amounting to Rs.1,02,000/-. The tax per day amounts to Rs.1,133/-, even if the vehicle is not put to use. It is the further case of the petitioner that if the vehicle carries only 50% of the capacity, i.e. for carrying 21 passengers, the burden on the passengers becomes heavier.

4. It is the further stand of the petitioner in the affidavit filed in support of the Writ Petition that the vehicle was not in usage since May 2021 to till date. In regard to the relief prayed for by the petitioner herein, they have submitted a representation dated 25.04.2022 to the respondents, more particularly, to accept the current tax of the vehicle of the petitioner and permit to operate the vehicle for the month of May 2022. Since the said representation is still pending before the respondents, they have filed the present Writ Petition for the relief stated supra.

5. Heard both sides and perused the materials available on record.

6. Considering the scope of the prayer made in this Writ Petition, and taking into consideration the facts and circumstances of the case and without going into the merits and the factual aspects of the matter, this Court directs the respondents to consider the representation given by the petitioner on 25.04.2022, but, since no Acknowledgement Card is produced by the petitioner to show the proof of receipt of such representation by the respondents, the petitioner is now directed to give fresh representation in regard to the relief now prayed for in this Writ Petition, within a period of three days from today, and upon receipt of such representation, the respondents concerned are directed to dispose of such representation, within 15 days from the date of receipt of such fresh representation from the petitioner. It is made clear that the respondent shall dispose of such representation on merits and in accordance with law, after giving an opportunity of hearing to the petitioner and concerned person, if any.

7. With the above observations and direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. is closed.

Sd/-
Assistant Registrar(VO)

/True Copy//

Sub Assistant Registrar

cs/drm

To

1. The State Transport Authority
Chepauk, Chennai - 600 005.

2. The Joint Transport Commissioner(Rules)
Office of the Transport Commissioner
Chepauk, Chennai - 600 005.

3. The Regional Transport Officer
Chennai (North West),Chennai 600 040.

W.P.No.11947 of 2022

SRA[co]
SP(06/05/2022)