



WEB COPY



W.P. No. 26224 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 26224 of 2022

M/s. Essar,
Rep. by its Manager Mr. K.Venkatachalam,
No. 1, Old No. 237, Dr. Rajendra Prasad Road,
Tatabad, Coimbatore - 641 012.

... Petitioner

-VS-

1. The Motor Vehicle Inspector Grade-I,
The Regional Transport Office,
Salem - East, Salem District.
2. The Regional Transport Officer,
Salem - East,
Salem District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to release the Petitioner Omni Bus TN-66-A-9299, seized by the First Respondent now in the custody of the Second Respondent forthwith.

For Petitioner : Mr. A.Ganesan

For Respondents : Mr. Yogesh Kannadasan
Special Government Pleader



W.P. No. 26224 of 2022

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ORDER

Heard Mr. A.Ganesan, Learned Counsel for the Petitioner and Mr. Yogesh Kannadasan, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed seeking to release the Omni bus bearing Registration No. TN-66-A-9299 of the Petitioner which has been seized by the First Respondent and is in the custody of the Second Respondent.

3. It has been brought to notice by the Respondents that the said vehicle has been detained under Section 18-A of the Tamil Nadu Motor Vehicle Taxation Act, 1974 for non-payment of tax dues to the extent of Rs. 25,92,000/- for which Demand Notice in R. No. 9301/A3/2022 dated 07.10.2022 has been sent as per the Circular No. 44 of 2022 dated 21.10.2020 from the Transport Commissioner, Chennai and for plying with passengers without permit under Sections 192-A(1) and 207 of the Motor Vehicles Act, 1988. In such circumstances, it is incumbent upon the Petitioner to pay the arrears of tax dues



W.P. No. 26224 of 2022

and obtain the necessary permit for using of vehicle, if he wants return of the same. At the same time, if the Petitioner is aggrieved by the amount of tax demanded, he is not precluded from working out his rights before the proper forum in the manner recognized by law in that regard.

In fine, the Writ Petition is disposed with the aforesaid observations.

No costs.

11.10.2022

skr

Index: Yes/No

Note: Issue order copy by 11.11.2022.

To

1. The Motor Vehicle Inspector Grade-I,
The Regional Transport Office,
Salem - East, Salem District.
2. The Regional Transport Officer,
Salem - East,
Salem District.



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P.D. AUDIKESAVALU, J.

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