



W.P.(MD)No.24098 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.24098 of 2022

and

W.M.P.(MD).No.18198 of 2022

S.Chellappa

... Petitioner

Vs.

1. The Transport Commissioner,
Office of the Transport Commissioner,
Chepauk,
Chennai – 600 005.
2. The Regional Transport Officer,
Thanjavur,
Thanjavur District.
3. The Motor Vehicle Inspector Grade - I,
Office of the Regional Transport Office,
Thanjavur,
Thanjavur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st Respondent to accept the stoppage of the Contract Carriage (Omni Bus) bearing



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Registration No.TN 49 CC 9966 for the period from 01.04.2021 to 31.10.2022 based on the 3rd Respondent's report dated 31.03.2022 and the Petitioner's representation dated 14.09.2022.

For Petitioner : Mr.C.Asaithambi
For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the 1st Respondent to consider the representation of the Petitioner dated 14.09.2022.

2. Mr.M.Prakash, learned Additional Government Pleader, takes notice for the Respondents.

3. It is submitted by the learned counsel for the Petitioner that the Petitioner is the owner of the Contract Carriage (Omni Bus) bearing Registration No.TN 49 CC 9966. Due to pandemic, the Petitioner had stopped plying the vehicle from 30.04.2021. He informed the authorities about the stoppage and submitted necessary application for permission to



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stop the vehicle along with necessary fees. Thereafter, the operation of Omni Bus contract carriage is stopped from 01.04.2022 onwards till date and the 3rd Respondent issued a stoppage report upto 31.03.2022. He further submitted that based on the report of the 3rd Respondent, dated 31.03.2022, the 1st Respondent did not pass any order either accepting the stoppage period as mentioned by the 3rd Respondent for the period from 01.04.2021 to 31.04.2022 or on the subsequent representation, dated 14.09.2022. The Petitioner thus requested the 1st Respondent to accept the further stoppage for the period from 01.04.2022 to 31.10.2022 and to direct the 2nd Respondent to receive the tax from 01.11.2022 onwards after the acceptance of the tax, for it is only then the Petitioner can operate the contract carriage.

4. It is submitted by the learned Additional Government Pleader for the Respondents that the representation of the Petitioner would be considered and orders passed thereon in accordance with law.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.



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6. In view of the above submission and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the 1st Respondent herein to consider the Petitioner's representation dated 14.09.2022, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the 1st Respondent to consider the representation on its own merits.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

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MOHAMMED SHAFFIQ, J.

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