



W.P.No.30311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2023

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.30311 of 2023

P.Tamilkannan

... Petitioner

Vs.

The Regional Transport Officer,
RTO Office, Erode Main Road,
Near Vidhya Vikas School,
Varagurampatty Village,
Tiruchengode Taluk,
Namakkal District 637 214.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to accept/receive Motor Vehicle Tax for the petitioner's vehicle Ashok Leyland Lorry bearing Registration No.TN 34 AC 9995 for the period QE 30 September 2023 and further Motor Vehicle Tax by considering the petitioner's representation dated 27.09.2023.



W.P.No.30311 of 2023

For Petitioner : Ms.N.Lakshmi

For Respondent : Mr.K.Surendran,
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondent to accept/receive the Motor Vehicle Tax for the petitioner's vehicle.

2. The learned counsel for the petitioner would submit that the petitioner had remitted the Motor Vehicle Tax through online on 30.09.2023. However, the said remittance was rejected due to the reason, which has been stated as follows:

“Vehicle flagged as Not To Be Transacted (NTBT) due to reason (Police Case) in State (Tamil Nadu) at Office (Tiruchengode) and service (MV Tax) can't be given. In case of any discrepancy, kindly contact your RTO.”



W.P.No.30311 of 2023

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3. Further, he would submit that in the present case, though the petitioner's vehicle is said to have been involved in the EOW offence, now the said vehicle is with the petitioner and the same has not been seized by the EOW Officers.

4. At this juncture, a notice dated 25.08.2023 was issued by the respondent that if the petitioner failed to pay the Motor Vehicle Tax, the permit of his vehicle will be canceled. Hence, the petitioner had made a representation dated 27.09.2023 before the respondent stating that if the Motor Vehicle Tax is not accepted by the respondent, the movement of the vehicle will be restrained.

5. He would also submit that when the petitioner had filed his representation dated 27.09.2023, he had also filed an affidavit of undertaking stating that he will not alienate the vehicle by way of transfer till the disposal of the aforesaid EOW case. In spite of the same, the respondent had neither considered the representation of the petitioner nor



W.P.No.30311 of 2023

accepted the Motor Vehicle Tax paid by the petitioner. Hence, this writ petition.

6. In reply the learned counsel for the respondent would submit that the petitioner had involved in the economic offences, wherein they are liable to pay a sum of Rs.9,50,000/- and with regard to the same, a complaint was also lodged by one M.Sureshkumar before the EOW, Namakkal. Therefore, he would submit that since the said vehicle was ordered as “Not To Be Transacted” by the EOW, Namakkal, the remittance of Motor Vehicle Tax was rejected by the respondent. However, he would also submit that considering the facts and circumstances, any appropriate order may be passed by this Court.

7. Heard the learned counsel for the petitioner and the respondents and also perused the materials available on records.

8. The issue, involved in this writ petition, is pertaining to the acceptance of Motor Vehicle Tax for the vehicle bearing Registration



W.P.No.30311 of 2023

No.TN 34 AC 9995. In the present case, it appears that the EOW has passed an attachment order, however, it had not taken any action to seize the vehicle from the petitioner.

9. Further, this Court is of the view that even assuming that the said vehicle is seized and brought for sale by EOW, the public will participate in auction only if the Motor Vehicle Tax is paid for the said vehicle. However, in the present case, even though the petitioner had voluntarily came forward to pay the Motor Vehicle Tax, the respondent had not accepted the same. In such view of the matter, this Court is inclined to pass the following orders:

(i) The respondent is directed to accept the Motor Vehicle Tax paid by the petitioner through online mode or physical mode;

(ii) The petitioner is directed not to alienate the vehicle without obtaining permission from the EOW, Namakkal.



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W.P.No.30311 of 2023

KRISHNAN RAMASAMY.J.,

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10. In the result, this writ petition is allowed.

10.11.2023

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

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W.P.No.30311 of 2023