



W.P.(MD) No.12729 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.12729 of 2023
and
W.M.P.(MD) No.10733 of 2023**

Latha

... Petitioner

/vs./

**The Regional Transport Officer,
Regional Transport Office,
Sivagangai.**

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned demand notice issued by the respondent herein in his charge No.19509/E2/2021, dated 03.04.2023 and quash the same as illegal.

For Petitioner : M/s.A.Banumathy

**For Respondent : Mr.D.Ghandiraj
Special Government Pleader**



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ORDER

The above writ petition is filed for the issue of a Writ of Certiorari calling for the records pertaining to the impugned demand notice issued by the respondent herein in No.19509/E2/2021, dated 03.04.2023 and quashing the same as illegal.

2.It is the case of the petitioner that she is the owner of a Tipper Lorry bearing Reg.No.TN 22 BB 1999. She has obtained necessary permission for carrying goods from the Transport Department of Tamil Nadu. While so, the petitioner was served with the demand notice dated 30.08.2022 from the respondent imposing penalty for carrying an excessive load of 19220 kgs which is in violation of the permit conditions. It was also stated that the said irregularities could be compounded by paying compounding fee of Rs.60,500/-. The petitioner would submit that the compounding fee is un-sustainable and unjust. The petitioner would submit that she had tried to pay the tax amount of Rs.4,959/- on 10.11.2022 by demand draft, but however the same was returned. Thereafter on 03.04.2023, the respondent has issued another demand notice to pay the amount,



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3. When the matter had come up on 16.06.2023, a report was filed, wherein it was stated that the computerized electronic weight slip issued to the petitioner's vehicle on 07.07.2022 at Sri Shantha Weighbridge, Muthupatti, Sivagangai showed the weight of the vehicle with the goods at 47220 kgs, whereas the permitted weight was only 28000 kgs. The respondent was therefore directed to produce the weight slip.

4. Today when the matter had come up, the learned Special Government Pleader for the respondent has filed the requisite document, which clearly shows that when the vehicle was weighed on 07.07.2022 at about 17.21 hours, the total unladen weight was 47220 kgs., which was an excess of 19220 kgs.

5. In the light of the above, I see no reason to interfere with the impugned order. Consequently, the Writ Petition is dismissed. However, liberty is granted to the petitioner to make necessary application for reducing the penalty to the



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respondent, who in turn shall process the same in keeping with the provisions of law. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

26.06.2023

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To

The Regional Transport Officer,
Regional Transport Office,
Sivagangai.



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P.T.ASHA, J.

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