BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.30083 of 2023

Panjavarnam ... Petitioner

versus

The Registering Authority,
O/o.Madurai South Regional Transport Officer,
Transport Department,
Madurai – 3. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent to issue fitness certificate to the petitioner's contract carriage for the year 2023-2024 for the petitioner's vehicle bearing Reg.No.TN37 BS 7509 based on the E-pay receipt.

For Petitioner : Mr.C.M.Arumugam

For Respondent : Mr.G.Surya Anandh,
Additional Government Pleader

ORDER

This writ petition is filed for a Mandamus, directing the respondent to issue fitness certificate to the petitioner's vehicle bearing Reg.No.TN37 BS 7509 for the year 2023-2024.

2. The learned counsel appearing for the petitioner submits that the petitioner is having a Maxi Cab bearing Reg.No.TN37 BS 7509. According to him, he purchased the said vehicle in the year 2018, at that time, he has also paid the life time tax. For the said vehicle, the permit was issued for a period of five years, i.e. from 23.07.2019 to 22.02.2024. In addition to that, a fitness certificate is to be obtained by the registered owner and the same, according to him, is expired on 07.12.2023. In order to get the fitness certificate, the petitioner has applied before the respondent and has also paid the required amount of Rs.600/- along with his application dated 04.12.2023.

3. The learned counsel appearing for the petitioner further submits that as per Rule 116 of the Tamil Nadu Motor Vehicles Rules 1989, the respondent is duty bound to issue fitness certificate to the petitioner's vehicle. Since the petitioner's application has not been considered by the respondent, the present writ petition has been filed.

4. In response to this writ petition, Mr.G.Surya Anandh, learned Additional Government Pleader, who takes notice for the respondent, submits that that the petitioner is having tax due for the period from 01.10.2015 to 16.11.2023 to the tune of Rs.35,106/- along with the life time tax, introduced by the Government with effect from 06.11.2023, as per the Act 30/2023.

5. This Court considered the rival submissions made.

6. The petitioner claims that at the time of purchasing the vehicle, he has paid all dues including the life time tax. But, according to the

respondent, the petitioner has to pay the difference of tax of Rs.35,106/- along with the life time tax. If the petitioner is having any due towards the vehicle tax, the respondent shall issue a demand notice along with the details within a period of two weeks. If the petitioner is not agreeing for the same, he can challenge the same in the manner known to law.

7. Accordingly, this writ petition is disposed of. No costs.

19.12.2023

ogy
NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

The Registering Authority,
O/o.Madurai South Regional Transport Officer,
Transport Department,
Madurai – 3.

B.PUGALENDHI, J.

ogy

W.P.(MD)No.30083 of 2023

19.12.2023