



W.P.No.17540 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17540 of 2024

M/s Chirag Travels Company
represented by its partner
Mr.Pratik V. Makwana
Flat No.601, Square Plesant Park
Cross Road, Miragon, Mira Road (E)
Arunachal Pradesh – 401 1014

...Petitioner

Vs

The Regional Transport Officer,
Chennai (North)

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondent to forth with release the vehicle of the petitioner bearing Registration No.AR-11 A-0006 impounded and kept in the custody of the respondent on such terms and conditions as may be deemed fit by this Hon'ble Court and pass orders.

For Petitioner	: Mr. Bhargavi Gopalan
For Respondents	: Mr.A.M. Ayyadurai Government Advocate

ORDER



W.P.No.17540 of 2024

WEB COPY The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the Respondent to forth with release the vehicle of the petitioner bearing Registration No.AR-11 A -0006 impounded and kept in the custody of the respondent on such terms and conditions.

2. The case of the petitioner is a Contract Carriage Operator operating vehicles including vehicle bearing Registration No.AR-11 A-0006 after getting permits under All India Tourist Permits with Authorization to ply throughout India issued by the State Transport Authority, Arunachal Pradesh. The permits are granted under Rule 4(4) of the Central Motor Vehicle Rules,2023 and the same are valid up to 31.10.2024. It is seen that the petitioner had paid the fee of Rs.90,000/- as tourist permit fee in respect of the said vehicle. Further in respect of the vehicle the permit it is valid up to 31.10.2024, the authorization is valid up to 31.10.2024 and the insurance is valid up to 07.07.2024. It is pertinent to note that the petitioner has obtained “All India Tourist Permit” which means a permit issued by the Transport Authority to enable a tourist vehicle operator / owner to ply tourist vehicle through the



W.P.No.17540 of 2024

territory of India on the strength of permit fee paid under Rule 3(b).

Further Rule 6(3) relating to scope and validity of permit, no person shall use the tourist vehicle for the transport of tourists individually or in a group, unless the person has a valid All India Tourist Permit, either in electronic or in physical form. Hence, the petitioner has not deviated any rules in practice and was in possession of valid permit and insurance. When this being the case, the respondent has illegally detained the vehicle of the petitioner on 27.06.2024. Hence this petition.

3. The learned counsel for the petitioner submitted that the petitioner has paid the All India Tourist Permit fee of Rs.90,000/- which is valid up to 31.10.2024. It is pertinent to note that the Hon'ble Apex Court vide order dated 31.07.2023 in W.P.(Civil).No.756 of 2023 passed an order to the effect restraining the States of Tamil Nadu, Kerala and Karnataka from levying border tax on the vehicles for which a valid All India Tourist permit has been issued. This Court vide order dated 31.08.2023 in W.P.No.25705 of 2023 has also granted an interim stay as far as the recovery of border tax alone in terms of the decision of the Supreme court. The grievance of the petitioner is that in case of any



W.P.No.17540 of 2024

WEB COPY

violation of the permit condition by the owner of the vehicle, it is always open for the respondent to take action in accordance with law, but it is not for them to seize the vehicle. Hence, prays to allow this petition.

4.The learned Government Pleader appearing for the respondents submit that they have detained the vehicle in question temporarily for violation of permit conditions. He further submitted that the vehicle is meant for tourism purpose and the petitioner has violated the conditions by collecting individual fare from the passengers. It is pertinent to note that out of 14 passengers 4 were travelling from Mysore to Chennai and 10 were travelling from Bangalore to Chennai.

5. Before advertng further it would be relevant to go through the interim order passed by the Hon'ble Apex Court in W.P.(Civil) No.395 of 2024 on 28.06.2024 in the said issue, wherein a direction was issued that all vehicles having All-India Tourists permit shall be allowed to operate in the State of Tamil Nadu without any hindrance or obstruction.

6. On a perusal of relevant Judgments passed by the Hon'ble apex Court and this Court it is made clear that there is no impediment for the



W.P.No.17540 of 2024

respondent to release the vehicle.

WEB COPY

7. In view of the above, the respondent shall release the vehicle bearing Registration No.AR-11 A-0006 on or before 05.07.2024 and with regard to violation of any rules, it is open to the respondent to proceed against the petitioner in the manner known to law. The petitioner is directed to produce the vehicle before the respondent authority as and when it is required for enquiry.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

02.07.2024

Index:Yes/No
Speaking order/Non-speaking order
smn
To
The Regional Transport Officer,
Chennai (North)

Note: The Registry is directed to issue order copy on 03.07.2024.



WEB COPY



W.P.No.17540 of 2024

V.BHAVANI SUBBAROYAN,J.

smn

W.P.No.17540 of 2024

02.07.2024