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W.P.No.25704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.25704 of 2023
and W.M.P.Nos.25135 of 2023

C.Ramachandran

... Petitioner

-VS-

1.The Regional Transport Officer(i/c),
Salem(East),
Salem-636 014.

2.The Motor Vehicles Inspector,
Grade-1, Regional Transport Office,
Salem(East),
Salem-636 014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records on the file of the first respondent herein in his order in R.No.10127/A3/2022, dated 23.06.2023 and quash the same.

For Petitioner : Mr.S.Sarath Kumar for
M/s.R.Natesan

For Respondents : Mr.P.Balathandayutham, Spl.GP



W.P.No.25704 of 2023

WEB COPY

ORDER

The petitioner challenges the order dated 23.06.2023 directing the petitioner to pay a sum of Rs.36000/- as tax along with penalty and compounding fee of Rs.20,500/-.

2.The petitioner asserts that he is the owner of contract carriage vehicle bearing registration no.NL-01-B-1080, which is covered by an All India Tourist Permit issued by the State Transport Authority, Nagaland. On 13.04.2022, when the vehicle was plying from Salem to Chennai with 36 passengers, the vehicle was intercepted for the alleged violation of permit conditions. The petitioner challenged such seizure of the vehicle by filing WP.No.12649 of 2022 before this Court. By order dated 18.08.2022, the fifth respondent therein was called upon to consider the reply of the petitioner and thereafter adjudicate the matter. The order of this Court was carried in appeal by the petitioner in WA.No.2527 of 2022 and the Division Bench



W.P.No.25704 of 2023

directed the respondent to consider the petitioner's representation dated 10.10.2022 and pass orders thereon. Pursuant to the same, an order dated 08.12.2022 was issued imposing liability on the petitioner. This order was challenged by filing WP.No.2799 of 2023 before this Court. The second Writ Petition was disposed of by order dated 11.04.2023 directing the respondent to consider the petitioner's reply dated 10.10.2022, by providing a hearing to the petitioner if clarification is necessary, and, thereafter, issue fresh orders. The order impugned herein was issued in these circumstances.

3.Learned counsel for the petitioner submits that the representation dated 25.04.2023 sets out the reasons as to why the petitioner did not violate his permit conditions. He further points out that the journey was from Salem to Chennai and the passengers had to be dropped off at different places in Chennai. Without appreciating this aspect of the matter, he submits that the impugned order was issued without providing a personal hearing to the



W.P.No.25704 of 2023

petitioner.

WEB COPY

4.Mr.P.Balathandayutham, learned Special Government Pleader, appears on behalf of the respondents. He submits that reasons were recorded in the impugned order to the effect that the petitioner was undertaking stage carriage and not contract carriage operations.

5.On examining the impugned order, the order does not deal with the submissions made by the petitioner in the communication dated 25.04.2023 and record reasons for rejecting such submissions. Instead, it appears that merely because passengers were dropped off at different locations in Chennai, a conclusion was drawn that it amounts to stage carriage operations. It is also evident that no personal hearing was provided to the petitioner.

6.For the reasons set out above, the impugned order calls for



W.P.No.25704 of 2023

interference. Therefore, the impugned order is quashed and the matter is remanded for re-consideration by the first respondent. The first respondent is directed to provide a reasonable opportunity to the petitioner, including a personal hearing, and, thereafter, issue fresh orders within a maximum period of two months from the date of receipt of a copy of this order.

7. W.P.No.25704 of 2023 is disposed of on the above terms. No costs. Consequently, W.M.P.No.25135 of 2023 is closed.

23.02.2024

dn
Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No

To

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Salem(East),
Salem-636 014.

2.The Motor Vehicles Inspector,
Grade-1, Regional Transport Office,

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W.P.No.25704 of 2023

SENTHILKUMAR RAMAMOORTHY,J

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W.P.No.25704 of 2023
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