IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP.No.14516 of 2025

Sri Renganathan Motor Service,
Represented by its Partner V.Ramanathan,
8 Nirmala Building,
Fort Station Road, Trichy 2.

Petitioner(s)

Vs

State Transport Authority,
Guindy, Chennai-32.

Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent herein to accept the surrender of petitioners contract carriage omni bus permit dated 12.12.2024 and issue CC to the petitioners vehicle bearing registration number TN-45/BL-7671, forthwith.

For Petitioner: Mr.K.Hariharan

For Respondent: M/s.R.L.Karthika,
Government Advocate

ORDER

This writ petition has been filed for issuance of a writ of Mandamus, directing the respondent herein to accept the surrender of petitioner's contract carriage omni bus permit dated 12.12.2024 and issue CC to the petitioner's vehicle bearing registration number TN-45/BL-7671 forthwith.

2. The case of the petitioner is that the petitioner holds a valid contract carriage omni bus permit for vehicle TN-45/BL-7671, issued by the respondent, which is valid until 03.10.2026. On 12.12.2024, the petitioner submitted an application in Form ACC along with the prescribed fee for surrender of the permit. Though the respondent received and processed the application, no clearance certificate (CC) has been issued till date. As a result, the vehicle, valued at approximately Rs. 50 lakhs, has remained idle for over one and half years, causing substantial financial loss to the petitioner.

3. Learned counsel for the petitioner submits that under Rule 204 of the Tamil Nadu Motor Vehicles Rules, 1989, the respondent is legally bound to issue a clearance certificate upon receiving an application for surrender of permit. Despite this mandate, the respondent has failed to take timely action.

Furthermore, as per Rule 136, the respondent is required to conduct monthly public hearings to consider pending applications, which has also not been complied with. He submits that the petitioner claims this prolonged inaction amounts to dereliction of duty, warranting the issuance of a Writ of Mandamus.

4. Learned counsel for the petitioner would then place reliance on the common order of this Court in the batch of matters in **W.P.Nos.34120 of 2022 and connected cases (*All Omni Bus Owners Association, rep. by its President Dr. A. Anbazhagan v. The State of Tamil Nadu and another*)** dated 03.09.2024.

5. Heard both sides and perused the materials available on record.

6. It is appropriate to refer to the order of this Court, relied upon by the learned counsel for the petitioner, rendered in ***All Omni Bus Owners Association, rep. by its President Dr.A.Anbazhagan v. The State of Tamil Nadu and another*** **(W.P.Nos.34120 of 2022 and connected cases),** dated 03.09.2024. In that case, when a similar plea was raised, this Court observed as follows:

> *"14. Admittedly, they have not plied their vehicles from the period 01.10.2021 to 31.12.2022. Therefore, there is no question of escaping from the*

payment of tax by the petitioners. Further, the provisions under Section 3 of the Tamil Nadu Motor Vehicles Taxation Act casts duty to pay tax only in respect of the vehicles used or kept for use in the State of Tamil Nadu. But, during the period for which the tax was demanded, the petitioners' vehicles were not in use or kept for use, which fact was also notified by the Motor Vehicle Inspector by its report. Accordingly, the petitioners' vehicles were not plied on the public road from 01.10.2021 to 06.01.2023. Therefore, the petitioners are not liable to pay tax when their vehicles were not used or put on road.

....

16. Pending writ petitions, in view of the interim orders passed by this Court, the respondents permitted the petitioners to operate their vehicles on payment of tax from 01.01.2023. Insofar as the orders passed by the respondents, thereby returning the stoppage report are hereby quashed. Insofar as the period in which the petitioners submitted their applications for stoppage of their permits, the respondents are directed to accept and allow stoppage of petitioners' buses from 01.10.2021 to 31.12.2022 and permit the petitioners to operate their vehicles in the permitted routes without insisting for payment of tax during the period of non-operation of their buses."

7. In view of the above facts and circumstances of the case and the ratio laid down by this Court stated supra, as the period in which the petitioner submitted their applications for stoppage of their permits, the

respondents are directed to accept and allow stoppage of the petitioner's buses from 01.10.2021 to 31.12.2022 and permit the petitioner to operate their vehicle bearing registration no.TN-45/BL-7671 in the permitted routes without insisting on payment of tax during the period of non-operation of their buses.

In the result, the **writ petition stands disposed of with the above observations and direction**. No costs.

18.06.2025
(1/2)

cda/dsn
Index:Yes/No
Speaking/Non-speaking order

To

The State Transport Authority,
Guindy, Chennai 32.

N.MALA,J.

cda/dsn

WP.No.14516 of 2025

18.06.2025

(1/2)