

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**MISCELLANEOUS JURISDICTION**

**CRIMINAL MISCELLANEOUS CASE NO. HAM 296 OF 2019**

**BETWEEN** : **RODNEYRAJAN SHANKARAN t/a ROSHEA WORKS**  
*- Applicant*

**AND** : **LAND TRANSPORT AUTHORITY**  
*- Respondent*

*Counsel* : *Mr. Chandra for the Applicant*  
*Ms. Malani with Ms. Tikomayau for the Respondent*

*Date of Hearing* : *14 & 26 February 2020*

*Date of Ruling* : *17 March 2020*

**RULING**

1. The applicant by his application dated 10<sup>th</sup> of December 2019, seeks an order from this Court for the 7 reliefs prayed therein. However, when this matter was taken up on the 14<sup>th</sup> of February, the counsel for the applicant limited his prayers for the 3<sup>rd</sup> prayer urged therein. That is;
3. *Should the respondent be able to provide copy of TIN3760406 then time be enlarged for the applicant to file necessary TIN in the Magistrates Court;*
2. The parties have filed their submissions in writing and the matter was fixed for ruling. I have carefully considered the material submitted by the applicant and the respondent.

## History

3. The applicant, Mr. Rodney Rajen Shankaran, carries on business, trading as Roshea Works, was the owner of the truck, bearing the vehicle registration No. FU 108, at all material times. He avers that when he tried to sell the said vehicle, he has become aware on 22<sup>nd</sup> of October 2019, that there is a TIN (Traffic Infringement Notice) issued for it on the 16<sup>th</sup> of August 2019, which remains unpaid. The applicant alleges that it was not served on him and was not aware of it until then. The respondent submits that it was served on the driver of the vehicle, who was an agent of the applicant on the day the vehicle was booked. In any event, that is a matter to be decided after a proper inquiry at the Magistrates' Court.

## Law

4. The law requires the TIN to be challenged within 90 days from the issuance of the same before a Magistrate's Court. The applicant states though requested, the respondent has failed to issue him with a copy of the said TIN. The 2<sup>nd</sup> prayer of the application prays for an order to the Respondents to provide the applicant with a copy of the said TIN. The respondent, together with their submissions has submitted the duplicate of the said TIN ("LTA 4"). It is obvious that without knowing the details of the TIN and the contents therein, it could not be challenged before a Magistrate's Court.

## Order

5. Therefore, it is nothing but fair to grant a reasonable time for the applicant to challenge the said TIN at the Magistrates' Court. He applicant is presently aware of the required details hence two weeks' time will be granted for him to file appropriate proceedings at the Magistrates' Court.
6. Therefore subject to granting of the above relief, the application of the applicant to be dismissed.

  
**Chamath S. Morais**  
JUDGE



AT LAUTOKA  
This 17<sup>th</sup> March 2020

**Solicitors** : **Messrs Millbrook Hills Law Partners, Nadi for the Applicant**  
: **Director Legal, Land Transport Authority, for the Respondent**