

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.26748 of 2015

K.Prabu

... Petitioner

-Versus-

- 1.The Regional Transport Officer,
Chidambaram.
- 2.The Assistant Registering Authority,
Regional Transport Office,
Chidambaram 608 102.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus directing the respondents to forthwith register the petitioner's vehicle JCB 3DX Excavator Loader bearing Engine No.4H.2295/1031943, Chasis No.1717040 K 2010.

For Petitioner : Ms.Radha Gopalan

For Respondent : Mr.M.S.Ramesh, AGP

ORDER

Seeking to issue a mandamus to the registering authority to register the JCB 3DX Excavator Loader, the petitioner has come forward with this writ petition.

2. The petitioner claims to have purchased the JCB 3Dx Excavator Loader with the financial assistance rendered by Magma Fincorp Limited, Alwarpet, Chennai. According to him, the vehicle was temporarily registered on 12.11.2010 for a period of 30 days commencing from 12.11.2010 to 11.12.2010 and the temporary registration No. is TN 32 / TMP 1515.

3. Further, according to the petitioner, during 2010 his father fell ill seriously and as such he was under constant treatment. The petitioner had no other go except to stay at Chennai

to take care of his father until his recovery and therefore, he could not make application immediately for permanent registration. Immediately after his father recovered from illness, he returned to Chidambaram and made an application on 09.07.2015 for permanent registration. But, there was no response from the respondents. Therefore, he has sent a representation on 11.08.2015 along with necessary compounding fees. The grievance of the petitioner is that till date no action has been taken on his application dated 09.07.2015 followed by the reminder dated 11.08.2015. Hence, this writ petition.

4. Heard both sides and also perused the records carefully.

5. There is no dispute that the application of the petitioner dated 09.07.2015 for registration of the JCB 3DX Excavator and Loader is pending with the respondent. The petitioner also sent a reminder on 11.08.2015 in this regard. The petitioner claims that he has, in fact, paid the required compounding fees for the registration.

6. Though a positive direction is sought for, during the course of hearing of this writ petition, on instructions, the learned counsel for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the respondents to consider the application of the petitioner for registration and pass appropriate orders thereon within a time frame to be stipulated by this court.

7. Considering the above submission made by the learned counsel for the petitioner and the facts and circumstances of the case, without going into the merits of the claim, this court directs the respondents to consider the application of the petitioner for registration of the vehicle dated 09.07.2015 followed by reminder dated 11.08.2015 in accordance with law after affording an opportunity of personal hearing to the petitioner and pass appropriate orders thereon within a period of six weeks from the date of receipt of a copy of this order.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk

To

1.The Regional Transport Officer, Chidambaram.

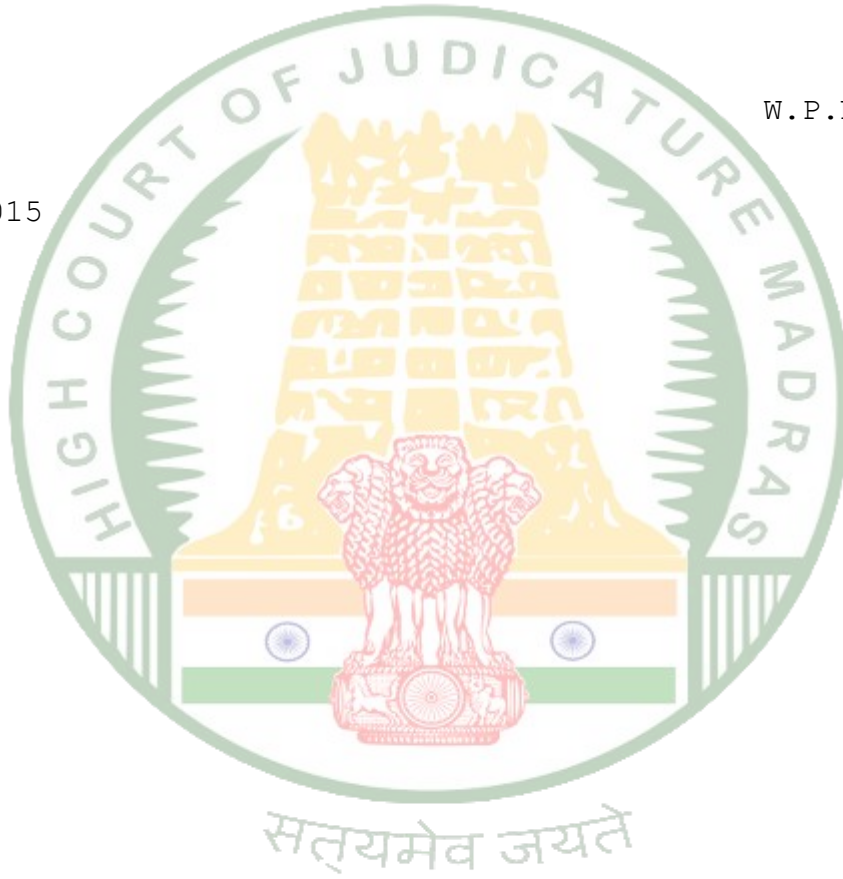
2.The Assistant Registering Authority, Regional Transport Office,
Chidambaram 608 102

+1 cc to M/s.S.Radha Gopalan, Advocate sr.46417

+1 cc to the Government Pleader sr.46239

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aa07/09/2015



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