

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.28363 of 2010
and
M.P.No.1 of 2010

C.N.Thirumoorthy

... Petitioner

Vs

1. The Secretary and the Regional Transport
Officer, Coimbatore North,
Coimbatore.

2. Chandu Kumath

... Respondents

(R2 impleaded vide order dated 15.09.2015
made in M.P.No.1 of 2014 in W.P.No.28363
of 2010)

Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus to call for the records relating to the proceedings dated 08.10.2010 in Se.Mu.Aa.No.94366/A2/2010 on the file of the Secretary and the Regional Transport Officer, Coimbatore North, Coimbatore, the respondent herein and to quash the same and to direct the respondent to renew the permit for Vikram LMV Auto Rickshaw bearing Regn. No.TN 38 AD 5979 without insisting No Objection Certificate from the financier.

For Petitioner : Mr.P.Kumanan

For Respondents : Mr.M.S.Ramesh,
Additional Government Pleader
for R1

ORDER

Challenging the order of the first respondent dated 08.10.2010, whereby the petitioner was directed to produce No Objection Certificate from the financier, the present writ petition has been filed.

2.The petitioner is the absolute owner of Vikram LMV Auto Rickshaw bearing Regn. No.TN 38 AD 5979 and he has been given permit, which was valid till 17.11.2010. According to the petitioner, he bought the said share auto under hire purchase from the second respondent/financier and he had cleared all the dues. Though the petitioner asked for No Objection Certificate from the second respondent/financier, the same was not issued. Therefore, the petitioner issued a legal notice and even after receipt of the same, the second respondent/financier did not come forward to issue the No Objection Certificate. Again, the petitioner preferred a complaint in C.C.No.294 of 2008 on the file of the District Consumer disputes Redressal Forum, Coimbatore and the said Forum allowed the complaint and directed the second respondent/financier to issue No Objection Certificate. Aggrieved by the said order, the second respondent/financier preferred an appeal with an application to condone the delay in C.M.P.No.395 of 2009 in F.A.SR.No.1736 of 2008 before the State Consumer Disputes Redressal Commission, Chennai and the application is dismissed by order dated 31.12.2009. Against the said order, the second respondent preferred a revision and the same is pending. In the meantime, the petitioner applied for renewal of permit and the first respondent, without considering the documents, by order dated 08.10.2010, directed the petitioner to obtain the No Objection Certificate from the second respondent/financier. It is against the said order, the present writ petition is filed.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

4.Now the learned counsel for the petitioner confined his prayer and agrees to produce the relevant documents as well as the verdict of the District Consumer Disputes Redressal Forum, Coimbatore before the authority. Hence the petitioner is directed to produce the above said documents within a period of two weeks from the date of receipt of a copy of this order. On

such production of documents, the authority, the first respondent is directed to consider the same and pass appropriate orders within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi

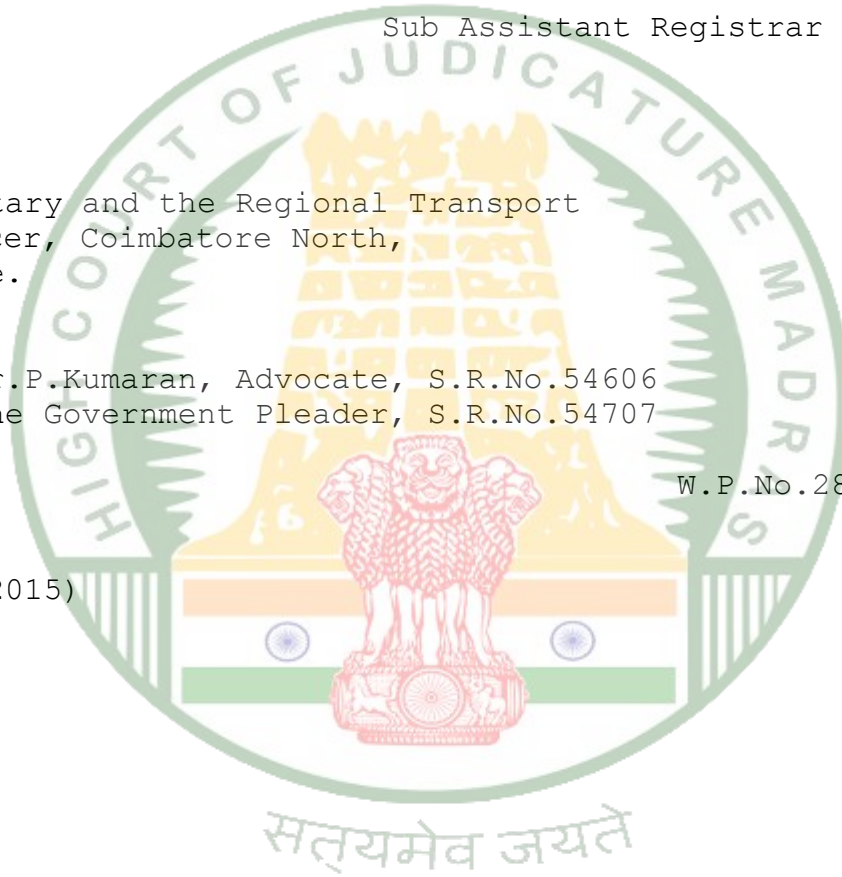
To

The Secretary and the Regional Transport
Officer, Coimbatore North,
Coimbatore.

+1cc to Mr.P.Kumaran, Advocate, S.R.No.54606
+1cc to the Government Pleader, S.R.No.54707

W.P.No.28363 of 2010

TS(CO)
CA(16/10/2015)



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