



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) Nos. 14730 and 14732 of 2014

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W.P. (MD) No. 14730 of 2014:

A. Mariselvam

... Petitioner

Vs.

1. The Assistant Registering Authority,
The Regional Transport Office,
Sivakasi,
Virudhunagar District.

2. The Inspector of Police,
Srivilliputhur Town Police Station, Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue the duplicate / copy of the R.C. book bearing registration No. TN-67/AR-8958 (TATA ACE) on the petition of the petitioner dated 08.07.2014.

W.P. (MD) No. 14732 of 2014:

R. Karuppasamy

... Petitioner

Vs.

1. The Assistant Registering Authority,
The Regional Transport Office,
Sivakasi,
Virudhunagar District.

2. The Inspector of Police,
Srivilliputhur Town Police Station, Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue the duplicate / copy of the R.C. book bearing registration No. TN-67/AW 3169 (TATA ACE) on the petition of the petitioner dated 08.07.2014.

For Petitioners : Ms. K. Mahalakshmi

For Respondents : Mr. R. Anandaraj, G.A.

COMMON ORDER

The petitioners have come forward with the above Writ petitions praying for issuance of a Writ of Mandamus, directing the 1st respondent to issue the duplicate / copy of the R.C. books for the vehicles namely, TATA ACE bearing registration Nos.TN-67/AR-8958 (TATA ACE) and TN-67/AW 3169 based on the petitions dated 08.07.2014.

2.The case of the petitioners is that on the request of one S.Radhakrishnan, who contested as independent candidate in Parliamentary Constituency, vehicles of the petitioners bearing registration Nos.TN-67/AR-8958 (TATA ACE) and TN-67/AW 3169 (TATA ACE) have been handed over to him for hire on daily basis and the Election Commission also permitted the said vehicles for election campaign. For verification of the Registration Certificate book by the Election Commission, the petitioners handed over the same to the said Radhakrishnan. Due to some clash between the said Radhakrishnan and one Rajalingam and others, the vehicles of the petitioners have been damaged and the same have been handed over to Srivilliputhur Town Police Station by Pudhya Tamilagam party.

3.According to the petitioners, the said Pudhya Tamilagam party organizer has taken away the R.C.books originals of the above said vehicles. In this regard, a written complaint has also been submitted to the 2nd respondent and a case in Crime No.212 of 2014 has also been registered. Thereafter, the petitioners approached the 1st respondent for issuance of duplicate R.C.books for the above said vehicles. However, the 1st respondent asked the petitioners to submit a non traceable certificate along with the copy of the FIR. Accordingly, the petitioners approached the 2nd respondent for getting necessary certificate. As no action has been taken by the 2nd respondent, the petitioners is before this Court for the above said relief.

4.The learned Additional Government Pleader appearing for the respondents submitted that the petitioners will have to apply for duplicate R.C. Books for the above said vehicles along with necessary documents in Form 26. Since the petitioners have not submitted any application before the respondents, the respondent is unable to take action for issuance of duplicate R.C.books for the said vehicles.

5.Taking note of the submission made on either side, the petitioners are directed to make an application in Form 26 along with the necessary documents to enable the 1st respondent for issuance of duplicate R.C.books. On such being application made, the 2nd respondent is directed to issue duplicate R.C. books for the vehicles bearing registration Nos.TN-67/AR-8958 (TATA ACE) and TN-67/AW 3169 (TATA ACE) within a period of four weeks from the date of receipt of the application.



6.The Writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(Per.Admn)

/True Copy/

Sub-Assistant Registrar

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To

1.The Assistant Registering Authority,
The Regional Transport Office,
Sivakasi,
Virudhunagar District.

2.The Inspector of Police,
Srivilliputhur Town Police Station, Srivilliputhur,
Virudhunagar District.

+2ccs to M/s.K.Mahalakshmi, Advocate, SR.Nos.24998 and 24997
+2ccs to The Special Government Pleader, SR.Nos.24842 and 24838

nbj

RL/7c - 16/6/2015

WP (MD) No.14730 and 14732 of 2014