



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2015

CORAM:

THE HONOURABLE Mr. JUSTICE T. RAJA

W.P. (MD) Nos. 17313, 17328 and 17329 of 2015
and
M.P. (MD) Nos. 1, 1 and 1 of 2015

The Chairman,
Sathyam College of Engineering and Technology,
Sathyam Nagar,
Kannappanallur,
Aralvoimozhi Post,
Kanyakumari.

... Petitioners in all the W.Ps.

Vs.

The Motor Vehicle Inspector Grade - I,
Regional Transport Office,
Nagercoil - 1,
Kanyakumari District.

... Respondent in all the W.Ps.

PRAYER: Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to entertain the applications for renewal of fitness certificate for the vehicles bearing registration Nos. TN-74/K-6870, TN74/K-6637 and TN-74/K-6657 and issue the certificate of fitness and accept road tax for the said vehicles.

For Petitioner : Mr. C. K. M. Appaji
For Respondent : Mr. R. Anandharaj, G.A.

COMMON ORDER

These Writ petitions have been filed by the petitioners viz., Chairman, Sathyam College of Engineering and Technology, Kanyakumari District, to issue a Writ of Mandamus, directing the respondent to accept the applications for renewal of fitness certificates for the vehicles bearing registration Nos. TN-74/K-6870, TN74/K-6637 and TN-74/K-6657 for issuance of certificate of fitness and also accept road tax for the said vehicles.

2. Heard the learned counsel appearing for the petitioner. Mr. R. Anandharaj, learned Additional Government Pleader takes notice for the respondent.

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3. By consent of both parties, this Writ petition itself is taken up for final disposal.



4.The case of the petitioner is that the petitioner is the Chairman of Sathyam Engineering and Technology College and in order to facilitate transportation, he has purchased second hand buses bearing registration Nos. TN-74/K-6870, TN74/K-6637 and TN-74/K-6657. After purchasing the vehicles by availing hypothecation from a private finance, the petitioner has been issued with permit to ply the said vehicles for educational institution. However, after clearing the loan amount, the original registration certificates (R.C.) of the said vehicles have been retained by the finance company. In the mean time, the permit of the said vehicles expired and the petitioner made applications before the respondent for renewal. But, the respondent refused to accept the applications of the petitioner since no original registration certificates (R.C.) of the vehicles are enclosed. Though the petitioner made representations informing the above fact and requested the respondent to issue Fitness Certificate on scrutinising available xerox copies of the original, the respondent has not considered the genuine request and finally refused to issue Certificate of Fitness.

5.It has been submitted that Section 130(3) of the Motor Vehicles Act, 1988, recites that even photo copy of the originals also can be produced before the Authorities concerned in the event of non availability of the originals. After proper verification, thereafter the respondent is bound to consider the case of the petitioner under Rule 115 of the Tamil Nadu Motor Vehicles Act, 1989, for issuance of Fitness Certificate or for renewal by the Registering Authority under Section 56 of the Motor Vehicles Act, 1988.

6.The said submission made by the petitioner was refuted by the learned Government Advocate appearing for the respondent saying that the petitioner is bound to produce the original certificates.

7.Section 130 (3) of the Motor Vehicles Act, 1988, states that if any or all the certificates are not in possession of the original owner, they can submit the photo copy of the same duly attested in person. Therefore, I do not find any impediment in directing the respondent to entertain the petitioner's applications for renewal of Fitness Certificates for the vehicles bearing registration No.TN-74/K-6870, TN74/K-6637 and TN-74/K-6657. Accordingly, the respondent is directed to entertain the applications of the petitioner for renewal of Fitness Certificate for the said vehicles and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8.With the above directions, the Writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



nbj

To

The Motor Vehicle Inspector Grade - I,
Regional Transport Office,
Nagercoil - 1,
Kanyakumari District.

+3CC to Mr.C.K.M.Appaji Advocate Sr.Nos.56440, 56441, 56442
+2CC to Spl.Government Pleader Sr.No.56830,56814

CSL/GSV/PM/29.10.15-2P-7C

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