

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No. 10249 of 2016

N.Vijayalakshmi

.. Petitioner

v.

Regional Transport Officer
Regional Transport Office,
Cuddalore.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to receive and accept the applications for re-registration, assessment of New Registration mark to the motor vehicle and also transfer of ownership in the name of the petitioner, N.Vijayalakshmi to the LMV car bearing Registration No. UP 16S 1260 (Mitshubishi Cedia with Chassis No. MA700CS6A7 LO81696 and Engine No. 4G94RG1865).

For Petitioner : Mr.N.Jayabalan

For Respondent : Mr.A.Zakir Hussain
Government Advocate

ORDER

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the respondent to receive and accept the applications for re-registration, assignment of New Registration mark to the motor vehicle and also transfer of ownership in the name of the petitioner, N.Vijayalakshmi to the LMV car bearing Registration No. UP 16S 1260, Mitshubishi Cedia with the Engine and Chassis number mentioned in the prayer.

2. It is the case of the petitioner that the petitioner's husband, by name T.Natarajan was employed in Noida, State of Uttar Pradesh. He purchased a Car in Uttar Pradesh in the year 2008 and the vehicle was registered with the Registering Authority under Transport Department, Uttar Pradesh. The Registration Number assigned to the vehicle was UP 16S-1260. In the year 2013, the said Natarajan was suffering from cancer and therefore, moved to his native place, Virudhachalam, State of

Tamil Nadu. He obtained mandatory "No Objection Certificate", dated 08.05.2013 from the Registering Authority at Uttar Pradesh to apply for the re-registration of vehicle in Tamil Nadu. NOC was issued for Virudhachalam, Tamil Nadu. But before applying for re-registration of the vehicle in the State of Tamil Nadu, the said Natarajan succumbed to cancer and died on 27.07.2013, leaving behind his wife, the petitioner herein, two sons and mother as his legal heirs.

3. According to the petitioner, now the petitioner and her sons have settled at Cuddalore for the purpose of education. Therefore, the petitioner applied for re-registration, assignment of new registration number to the vehicle and transfer of ownership in her favour with the Regional Transport Officer, Cuddalore on 13.01.2016. However, according to the petitioner, the vehicle is now being used for the personal use of the petitioner. The petitioner's applications were returned on 18.01.2016 with a memo to submit the applications to the Virudhachalam unit.

4. Mr.A.Zakir Hussain, learned Government Advocate appearing for the respondent submitted that the respondent, by his letter, dated 22.03.2016, informed the Government Advocate that the petitioner should submit her application for effecting transfer of ownership and re-registration only at Virudhachalam office and not at Cuddalore, since she had obtained NOC only for Virudhachalam.

5. Mr.N.Jayabalan, learned counsel appearing for the petitioner submitted that the petitioner is willing to submit her application for re-registration and change of ownership in the Regional Transport Office at Virudhachalam and in such a case, the Regional Transport Officer, Virudhachalam may be directed to effect re-registration and change of ownership in the RC Book within a stipulated time.

6. Mr.A.Zakir Hussain, learned Government Advocate also submitted that the Regional Transport Officer, Virudhachalam may be directed to effect the change of ownership and re-registration within a stipulated time.

7. Having regard to the submissions made by the learned counsel on either side, I direct the petitioner to submit her application for re-registration, change of ownership etc., along with the requisite fee before the Regional Transport Officer, Virudhachalam, within a period of one week from the date of receipt of a copy of this order and the Regional Transport Officer, Virudhachalam is directed to consider the petitioner's request and effect the change of address and re-registration of the vehicle, bearing Reg. No. UP 16S 1260, within four days

thereafter. It is open to the petitioner to effect change of address at Cuddalore, after re-registration of the vehicle at Virudhachalam.

With this observation, the writ petition is disposed of.
No costs.

tsvn

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

The Regional Transport Officer
Regional Transport Office,
Cuddalore.

+ 1 cc to Mr.N.Jayabalan, Advocate, SR 19217

+ 1 cc to Govt.Pleader, High Court, Madras SR 19369

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