

In the High Court of Judicature at Madras

Dated : 09.6.2016

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.19391 of 2016 & WMP.No.16813 of 2016

R.Rathnasamy

...Petitioner

Vs

1.The Regional Transport Authority,
Tirupur Region-North, Tirupur.

2.The Regional Transport Officer-
-cum-Registering Authority,
Tirupur North, Tirupur.

3.Sri P.Jeevanandham

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the second respondent made in R.No.27363/A3.2016 dated 26.5.2016 and quash the same.

For Petitioner : Mr.T.Padmanabhan
For Respondents 1 & 2 : Mr.A.Mohamed Mushtak, GA
For Respondent-3 : Mrs.Radha Gopalan

ORDER

Mr.A.Mohamed Mushtak, learned Government Advocate takes notice for respondents 1 and 2. Mrs.Radha Gopalan, learned counsel takes notice for the third respondent. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is a mini bus operator and has been issued a notice by the second respondent calling upon the petitioner to produce the vehicle before him along with original registration certificate on the allegation that there is a difference in chassis number as found in the vehicle than what is found in the certificate of registration.

3. The impugned notice appears to have been issued on the basis of the complaint given by the third respondent.

4. Learned counsel for the petitioner submitted that for more than one reason, he need not be called up to produce the vehicle and the registration certificate, as already verification has been done and the fitness certificate has been issued. According to the learned counsel, the impugned notice amounts to harassment at the behest of the third respondent.

5. The learned counsel appearing for the third respondent, after referring to Rule 118 of the Tamil Nadu Motor Vehicles Rules, submitted that all transport vehicles shall, at all reasonable times, be produced for inspection by the Inspecting Officer of the Transport Department and the second respondent is competent to issue the notice.

6. In my view, the impugned proceedings being only a notice calling upon the petitioner to produce the vehicle along with the original registration certificate, the question of quashing the notice does not arise. However, the petitioner has submitted his objections on 1.6.2016 and the same has been sent by registered post on the same date.

7. Therefore, in the fitness of things, the second respondent should take note of the objections and thereafter proceed to pass a reasoned order on merits and in accordance with law.

8. Accordingly, the writ petition is disposed of with a direction to the second respondent consider the objections of the petitioner dated 1.6.2016 and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the above WMP is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

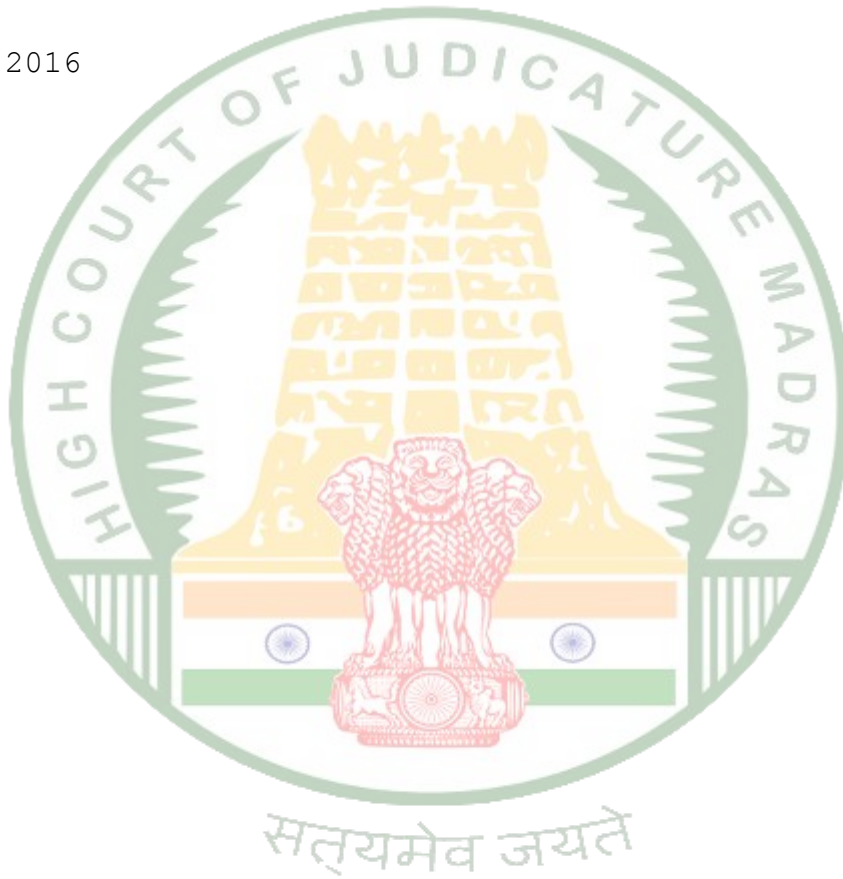
1.The Regional Transport Authority, Tirupur Region-North,
Tirupur.

2.The Regional Transport Officer-cum-Registering Authority,
Tirupur North,
Tirupur.

1 cc to M/s.Radhagopalan, Advocate, sr.31028
1 cc to M/s.T.Padmanabhan, Advocate, 31079
1 cc to The Government Pleader, sr.31227

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