

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.37821 of 2016 &

WMP Nos.32409 & 32410 of 2016

M.Mohamed Ali ... PETITIONER]

Vs

1 The Regional Transport Authority
Nagapattinam District
Nagapattinam

2 The Regional Transport Officer
O/o. Regional Transport Office
Nagapattinam

3 The Motor Vehicles Inspector
O/o. Regional Transport Office
Nagapattinam

4 M.Murthy

5 M.Kanagarajan

6 R.Prabhakaran

[RESPONDENTS]

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent passed in proceedings R.No. 14132/A1/ 2016 dated 13.10.2016 and the consequential seizure notice bearing No. 3177118 dated 20.10.2016 issued by the 3rd respondent and quash the same as illegal and to forbear the respondents from interfering with the petitioner right over the vehicle bearing Registration No. TN-51-F-9444 which plying with the valid permit issued by the 2nd respondent by P.S.C.No. 02/NGT/SC/2014 dated 10.07.2014 for the period from 21.07.2014

to 20.07.2019.

For Petitioner : Mr.K.Sahul Hameed

For Respondent : Mr.S.Diwakar - R1 to R3
Spl. Government Pleader

O R D E R

Heard Mr.K.Sahul Hameed, learned counsel for the petitioner and Mr.S.Diwakar, learned Special Government Pleader accepting notice on behalf of the respondents 1 to 3. By consent, the Writ Petition itself is taken up for final disposal.

2.The petitioner has come forward with this Writ Petition for quashing the proceedings of the first respondent dated 13.10.2016 and the consequential seizure notice bearing No. 3177118 dated 20.10.2016 issued by the third respondent and to forbear the respondents from interfering with his right over the vehicle bearing Registration No. TN-51-F-9444 which plying with the valid permit issued by the second respondent dated 10.07.2014 for the period from 21.07.2014 to 20.07.2019.

3.Admittedly, as against the impugned order, the petitioner has an effective alternate remedy of filing an Appeal before the State Transport Appellate Tribunal.

4.Faced with this situation, the learned counsel for the petitioner would submit that reasonable time may be granted to the petitioner to move the State Transport Appellate Tribunal, since the petitioner has filed this Writ Petition immediately on receipt of the order passed by the Regional Transport Authority.

5.In the light of the above, the Writ Petition is dismissed, as not maintainable, the petitioner is granted ten days time to file an Appeal before the State Transport Appellate Tribunal and if the same is filed within the time stipulated by this Court, the Appellate Tribunal shall not reject the Appeal on the ground the limitation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

To

1 The Regional Transport Authority
Nagapattinam District
Nagapattinam

2 The Regional Transport Officer
O/o. Regional Transport Office
Nagapattinam

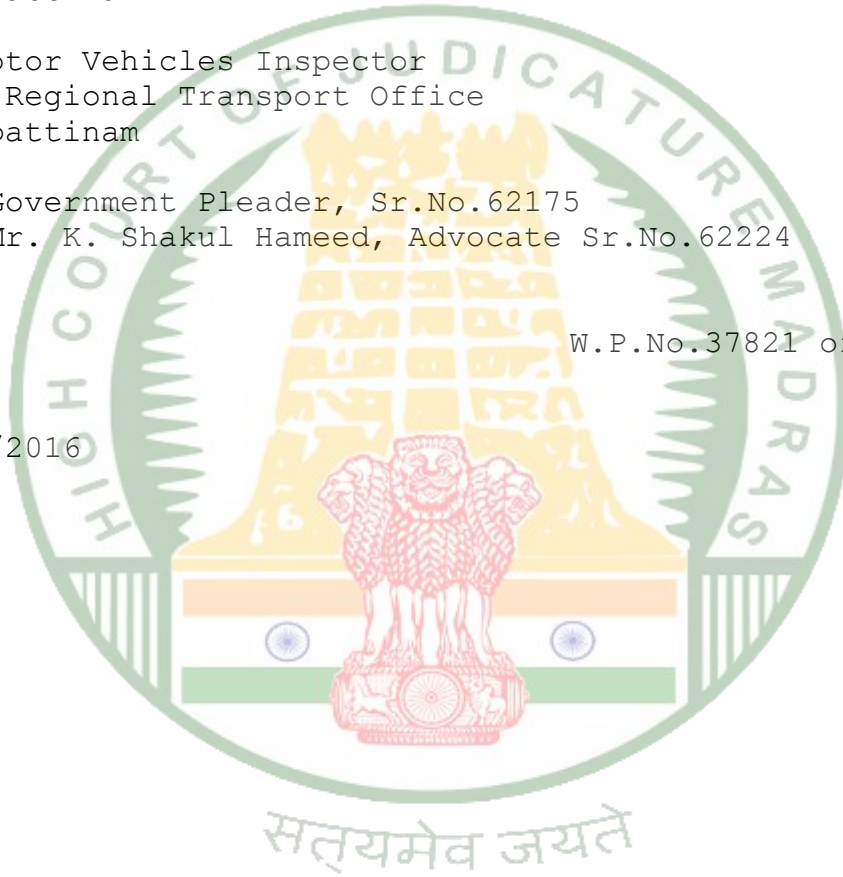
3 The Motor Vehicles Inspector
O/o. Regional Transport Office
Nagapattinam

+1 CC to Government Pleader, Sr.No.62175

+2 CC to Mr. K. Shakul Hameed, Advocate Sr.No.62224

W.P.No.37821 of 2016

MD : 2/11/2016



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