

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.41478 of 2016

A.Sabapathy

.. Petitioner

..Vs..

1.The Transport Commissioner
The State Transport Commisionerate Office
Ezhilagam, Chepauk,
Chennai 600 005.

2.The Regional Transport Officer
Dindugul Region
Dindugul.

3.The Motor Vehicle Inspector
Enforcement Wing
North Zone, Chennai 600 023.

.. 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 first respondent in his proceedings No.59021/A3/2015 dated 06.10.2016, quash the same as unconstitutional, consequently direct the first respondent to grant approval to the petitioner's omni bus bearing RC No.TN 45 AJ 1011 for alteration done in the vehicle and also running permit.

For Petitioner : Mr.K.Balu

For Respondents: Mr.S.Navaneetham

Addl. Government Pleader

O R D E R

Heard Mr.K.Balu, learned counsel for the petitioner and Mr.S.Navaneetham, learned Additional Government Pleader accepting notice on behalf of the respondents. By consent, the Writ Petition itself is taken up for final disposal.

2.The petitioner has come forward with this Writ Petition for issuance of a writ of certiorarified mandamus to quash the notice issued by the first respondent dated 06.10.2016, and to grant approval of his Omni Bus bearing Registration No.TN 45 AJ 1011, for the alteration done for the vehicle and also for issuance of permit.

3.The first respondent has issued notice dated 06.10.2016, on the ground that the petitioner has not obtained prior approval before the alteration. The petitioner has submitted his explanation dated NIL.

4.The learned counsel for the petitioner submitted that the explanation given by the petitioner contains the full reason and the authority can accept the reasons, the petitioner is willing to pay any fine which may be levied by the first respondent and if approval is granted after due verification, it would be only post facto proceedings and no prejudice would be caused.

5.In the light of the plea raised by the learned counsel appearing for the petitioner, the petitioner is directed to submit a fresh representation along with the copy of this order to the first respondent, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the petitioner's explanation and after affording an opportunity of personal hearing to the petitioner, consider his case in accordance with law and pass appropriate orders, within a period of two weeks from the date on which the representation is received.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1.The Transport Commissioner
The State Transport Commisionerate Office
Ezhilagam, Chepauk,
Chennai 600 005.

2.The Regional Transport Officer
Dindugul Region
Dindugul.

3.The Motor Vehicle Inspector
Enforcement Wing
North Zone, Chennai 600 023.

+1 cc to Govt.Pleader,sr.70076

+1 cc to Mr.K.Balu, advocate,sr.69534

+2 cc to M/s.S.Mani, advocate,sr.69404.

sai(co)
krd 15/12

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