

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2016

Coram

The Hon'ble Mr. Justice Rajiv Shakdher

Writ Petition No.43477 of 2016

Tmt. Padmavathi

...Petitioner

Vs.

1. The Secretary
The Regional Transport Authority,
Erode District at
Gobichettipalayam.
2. The Regional Transport Authority,
Erode District, Erode.
3. S.Rathinakumar.Respondent

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the second respondent to consider and pass orders on the application for transfer of permit, dated 19.08.2016, filed by the Petitioner in respect of the stage carriage service, bearing Registration No. TN 40 W 1453, plying on the route Bannari to Coimbatore, via., Sathiamangalam.

For Petitioner : Mr. M. Palani

For Respondents 1 & 2 : Mr. C. Jagadish
Special Government Pleader (7)

O R D E R

1. Mr. C. Jagadish, learned Special Government Pleader, accepts notice on behalf of the Respondent Nos. 1 and 2. With the consent of the learned counsels for the parties, the Writ Petition is taken up for final disposal, at the stage of Admission itself.

2. The Petitioner, by virtue of the instant Writ Petition, seeks a limited direction, which that, her Application for transfer of permit, dated 19.08.2016, be considered by respondent No. 2.

2.1. To be noted, this permit was issued in favour of the deceased husband of the Petitioner qua Registration No. TN 40 W 1453, for plying the subject vehicle on Bannari to Coimbatore route, albeit, via., Sathiamangalam.

2.2. Apart from the two Official Respondents, i.e., Respondent Nos.1 and 2, the Petitioner has also arrayed, one, Thiru S.Rathinakumar, as Respondent No.3.

3. A perusal of the averments made in the Writ Petition would show, that, Respondent No.3 claims to be a Partner of the deceased-husband of the Petitioner, and thus, claims right in the aforementioned Permit. It is also averred that the Respondent No.3 has filed a Suit, being: O.S.No.1327 of 2016, in the Court of District Munsif, Coimbatore. The Petitioner has indicated in the Writ Petition that in the Suit filed, Injunction is sought qua the transfer of aforementioned permit to the legal heirs of the deceased.

4. I am informed by the Learned Counsel appearing for the Petitioner that there is no interim order passed by the concerned Court, in which, the aforementioned Suit is pending on the issue raised herein.

5. In these circumstances, I have asked Mr.C.Jagadish, learned Special Government Pleader, who appears for the Official Respondents, i.e., Respondent Nos.1 and 2, as to whether this Court can dispose of the Writ Petition with a direction that before any decision is taken with regard to the application for transfer filed by the petitioner, they would call upon Respondent No.3 to place before them, his stand in the matter.

5.1. In response, learned Special Government Pleader has submitted that Respondent No.3 would be given an opportunity of being heard, while considering the Petitioner's Application for transfer of permit.

5.2. It is, in these circumstances, I have not deemed it necessary for the moment to issue notice to Respondent No.3.

6. Accordingly, the Writ Petition is disposed of, with a direction to the Official Respondents, i.e., Respondent Nos.1 and 2 to consider the Petitioner's plea for transfer of aforementioned permit, albeit, after issuing notice to Respondent No.3, so as to afford him an opportunity of being heard in the matter.

7. Needless to say, the Official Respondents, i.e., Respondent Nos.1 and 2, shall adhere to the extant provisions of

Law and act with due expedition. Consequently, the aforesaid exercise shall be completed not later than six (6) weeks from the date of receipt of a copy of the Order.

8. Registry will despatch a copy of this Order to the Respondent No.3 without insisting on process fee.

9. Respondent No.3 is given liberty to approach this Court, in case, he has any grievance qua the Order passed by this Court.

10. The Writ Petition is disposed of, in the aforementioned terms. However, there will be no order as to costs.

s/d-
Assistant Registrar(CO)

/true copy/

Sub-Assistant Registrar

To

1. The Secretary
The Regional Transport Authority,
Erode District at
Gobichettipalayam.
2. The Regional Transport Authority,
Erode District, Erode.
3. S. Rathina kumar
S/o Subbaiyan
No.5/34 Kurumbapalayam
s.s. kulam
coimbatore.

+1 CC to M/s. M.Palani, Advocate SR 73750

+1 CC to The govt. Pleader SR 74793

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MP
sp/19/1