

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.15001 of 2017

Public Passenger Service (P) Ltd.,
Rep. by its Director Mr.H.LALL KHAN,
62B, Venktesra Nagar,
Palavedu Main Road,
Muthapudupet, Chennai - 600 055.

... Petitioner

Vs.

1. The RTO Chidambaram
Cuddalore District,
2. M/s.Shri.Vigheswara Roadways,
Rep. by its Proprietor G.Leelavathi,
Kumarachi, Chidambaram Taluk,
Cuddalore District.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to dispose of the representation of the petitioner dated 10.02.2017 within the time frame that may be fixed by this Honorable Court.

For Petitioner : Mr.M.A.R.Pragash

For Respondent : Mr.M.Elumalai

learned Government Advocate, for R1

O R D E R

This writ petition is filed seeking for a Mandamus directing the first respondent to dispose of the representation of the petitioner dated 10.02.2017, wherein and whereby, the petitioner seeks for taking appropriate action to cancel the permit issued in favour of the second respondent and return the permit back to the petitioner.

2. A perusal of the said representation would clearly indicate that the dispute between the petitioner and the second respondent, who got the permit transferred in their name by one R.Radha Krishnan, who in turn earlier entered into an agreement with one of the Directors of the petitioner's company, to operate the bus service, is purely a civil dispute. It is also seen that a suit filed by the petitioner in O.S.No.3121 of 1982 against the said R.Radhakrishnan was already dismissed for default as early as in the year 1995. It is stated by the learned counsel for the petitioner that the said suit was not restored till this date. When that being the factual position, I don't think that the petitioner can seek any remedy from the first respondent, unless and until they establish their right before the competent Civil Court, which they failed to do so till date.

3. Therefore, I don't think that this writ petition can be entertained by directing the first respondent to dispose of the said representation of the petitioner. Accordingly, this writ petition is dismissed, with liberty to the petitioner to agitate the matter before the competent civil forum in the manner known to law, if they are entitled under law to do so, under the present facts and circumstances. It is made clear that this order will not entitle the petitioner to get over the period of limitation in respect of the earlier suit said to have been dismissed for default in 1995. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mk /sm

To
The RTO Chidambaram
Cuddalore District.

+1 cc to the Government Pleader sr 42526

W.P.No.15001 of 2017

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