

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2018

CORAM

THE HONOURABLE MRS. V. BHAVANI SUBBAROYAN

WP.No.20864 of 2008

K.S. Palanisamy

... Petitioner

Vs.

The Regional Transport Officer,
Perundurai,
Erode District.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the entire records relating to the impugned order passed by the respondent in his proceedings R.No.14600/B1/08, dated 27.05.2008 and quash the same.

For Petitioner : Mr.C. Prakasam

For Respondents : Mrs. Thangavadhana Balakrishnan
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition to issue a Writ of Certiorari to call for the entire records relating to the impugned order passed by the respondent in his proceedings R.No.14600/B1/08, dated 27.05.2008 and quash the same.

2. The petitioner viz., K.S.Palanisamy, is the owner of the lorry bearing Registration No.TN-46-C-9594 and when the lorry was moving with 43 bags of PDS Rice, each 50 kg, on its way it was seized by CSCID Police, Erode.

3. The learned counsel for the petitioner would contend that after the seizure of lorry, the petitioner had approached this Court and filed a writ petition in W.P.No.5 of 2007 for release of the said lorry bearing Registration No.TN-46-C-9594 and after getting orders the District Collector, released the lorry and the petitioner has complied with all the conditions imposed by this Court and the District Collector after

conducting an enquiry under Section 6-A, has imposed Rs.20,000/- as fine vide his proceedings No.Na.Ka.428/2007/K-3 dated 18.08.2007.

4. The respondent issued a notice to the petitioner asking why the tax endorsement on the R.C. book of the petitioner should not be cancelled. Eventhough, the petitioner has given a detailed explanation for the same, the Regional Transport Officer/Respondent herein has passed th impugned order.

5. Aggrieved by the same and assailing various grounds the petitioner has come before this Court by way of this writ petition.

6. On the previous hearing on 08.06.2008 the Special Government Pleader was directed to get necessary instructions in this regard. Accordingly, the learned Special Government Pleader has produced a letter dated 11.06.2018 received from the Regional Transport Officer, Perundurai, before this Hon'ble Court. As per the same, it could be seen that tax endorsement was cancelled (PDS Rice) on 05.05.2018 by the RTA, Perundurai and the Tax Clearance Certificate issued by the RTA, Perundurai, w.e.f., 04.06.2009 to transfer/for new endorsement to the above vehicle. It is also seen that the vehicle involved in the said operation has been sold by the petitioner to Thiru.Sundaradevar, Madurai, w.e.f. 18.03.2010 as per Motor Vehicles Inspector Grade-I, Unit Office, Thirumangalam and again the said vehicle was transferred to Thiru.S.Arokiyadoss, Pollachi, w.e.f. 17.05.2011 as per R.T.O. Office, Pollachi and the vehicle change of address to Thiru.S.Arokiyadoss, Vadavalli, Coimbatore, w.e.f. 28.04.2014 according to R.T.O. Coimbatore North and again the vehicle has been transferred to K.Padmanaban, Coimbatore w.e.f. 27.09.2016 as per RTO, Coimbatore Central. It is also seen that the "tax endorsement cancelled entries made in DCB Register" and "transfer entries have also been placed before this Hon'ble Court by the Government Pleader, along with the above letter dated 11.06.2018.

6. The learned counsel for the petitioner submitted that as a owner at the time of the alleged incident he has got right to proceed.

7. Based on the above submissions and also perusing the materials on record, this Court is of the view that the petitioner who is not the owner of the said vehicle at present, cannot adjudicate the matter further and it is for the other person, who is the present owner, if he is aggrieved has to challenge to the matter. Accordingly, the writ petition has become infructuous and nothing survives to be adjudicated by the petitioner.

8. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msm

To

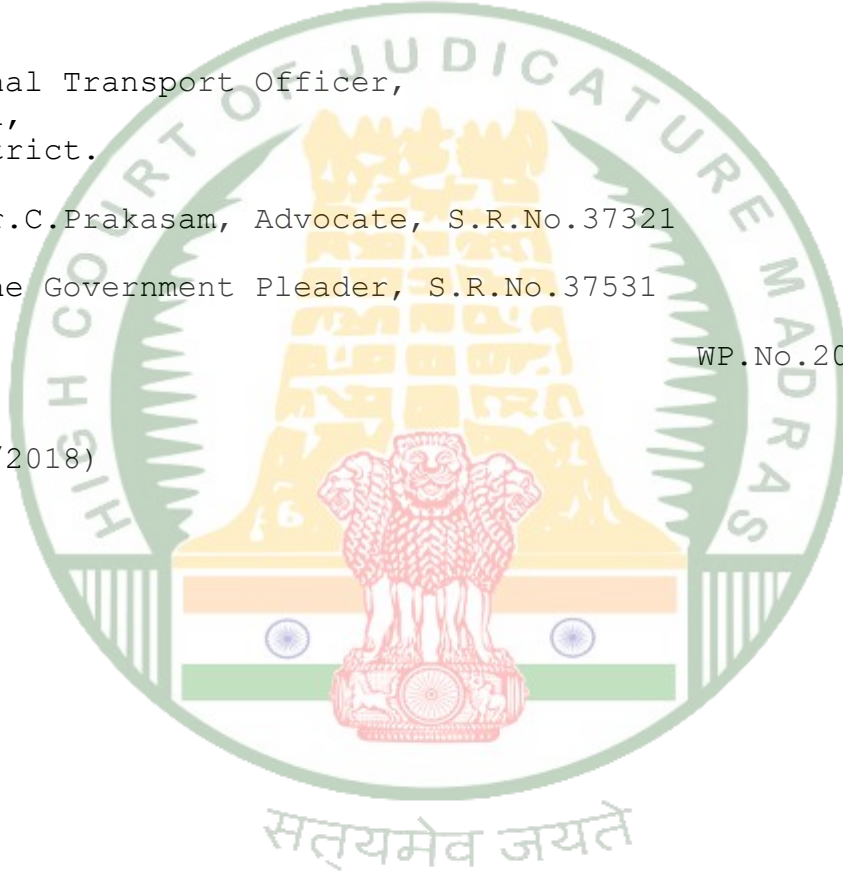
The Regional Transport Officer,
Perundurai,
Erode District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.37321

+1cc to the Government Pleader, S.R.No.37531

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SSV(CO)
GSP(24/07/2018)



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