

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.16247 of 2018

G.Vijayakumar

... Petitioner

..Vs..

1. The Collector,
Regional Transport Authority,
Coimbatore-641018,
Coimbatore District.
 2. The Regional Transport Officer,
Pollachi-642001
 3. G.Selvaraj
(R3 Impleaded as per Court Order dated 28/09/2018 in
WMP.No.22056/2018 in WP.No.16247/18 passed by VBD J)
- ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to dispose of the representation dated 03/04/2018 on the file of the 1st respondent, by including the name of the petitioner in both the permit as well as the Registration Certificate for the Vehicle bearing No. TN 41 R 8343, pending on its file and also to issue the copy of the permit and the Registration Certificate for the Vehicle bearing No. TN 41 R 8343 to the petitioner and to pass such further or other order or orders as this Hon'ble Court deems fit in the circumstances of the case and thus render justice.

For Petitioner : Mr.S.Siva Shanmugam

For Respondent : Mrs.Ramya Revathy
Government Advocate for R1 & R2.

: Mr.Krishnappan,Seinor Counsel
for Mrs. Mrs.R.Swarnalatha for R3

O R D E R

This writ petition is filed seeking a direction to the 1st respondent to consider the petitioner's representation dated 18.02.2018 to include his name both in the permit as well as in the Registration Certificate for vehicle bearing receipt for TN 41 R 8343 and for issuance of copy of permit and the registration certificate.

2. According to the petitioner, his late father Govindhan was an entrepreneur and was doing several joint family business. He was also a Stage Carriage Permit-Holder and was carrying a transport business in the name and style "Ayyappa Bus Service" for and on behalf of the joint family and was operating the stage carriage between Dharapuram - Pollachi and Pollachi - Coimbatore. The bus bearing Regn. No.TN 41 R 8343 was also a joint family property and that the transport business was administered by the petitioner and the 3rd respondent and another brother - Jayaprakash. Earlier, the petitioner filed a suit in O.S.No. 84 of 1996 (which was later on renumbered as O.S.No.470 of 2004) on the file of the learned IV Additional District Judge, Coimbatore, for partition as against his father, brothers and sisters and a preliminary was passed in his favour whereby the stage carriage was also declared to be a joint family property. The appeal preferred by his father in A.S.No.1046 of 2012 on the file of this court is pending. In the said circumstances, the 3rd respondent filed an application seeking transfer of permit in his name wherein the petitioner filed his objection on 03.04.2018 to including his name also. His representation objecting to the transfer of permit in the name of the 3rd respondent has not so far been considered is the grievance of the petitioner. Hence, this writ petition.

3. Heard both sides.

4. It is not in dispute that the 3rd respondent alone filed an application seeking transfer of permit under Section 82 of The Motor Vehicles Act and the petitioner has not so far made any application, however, he raised objection for the transfer of permit in the name of the 3rd respondent and enquiry is pending on the same. In the said circumstances, without going into the merits of the case, this court directs the 1st respondent to consider the application of the 3rd respondent for the transfer of permit as well as the objection raised by the petitioner for the transfer of permit in the name of the 3rd respondent and pass suitable orders on merits and in accordance with law after giving sufficient opportunity of hearing including personal hearing to the petitioner, 3rd respondent and also the other legal heirs of the deceased permit-holder. The said exercise shall be completed within a period of twelve

weeks from the date of receipt of a copy of this order.

5. In the result, this writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

ssb/kmk

To

1. The Collector, Regional Transport Authority,
Coimbatore-641018,
Coimbatore District.

2. The Regional Transport Officer, Pollachi-642001

+1cc to Mr.S.Sivashanmugam, Advocate SR.No.76231

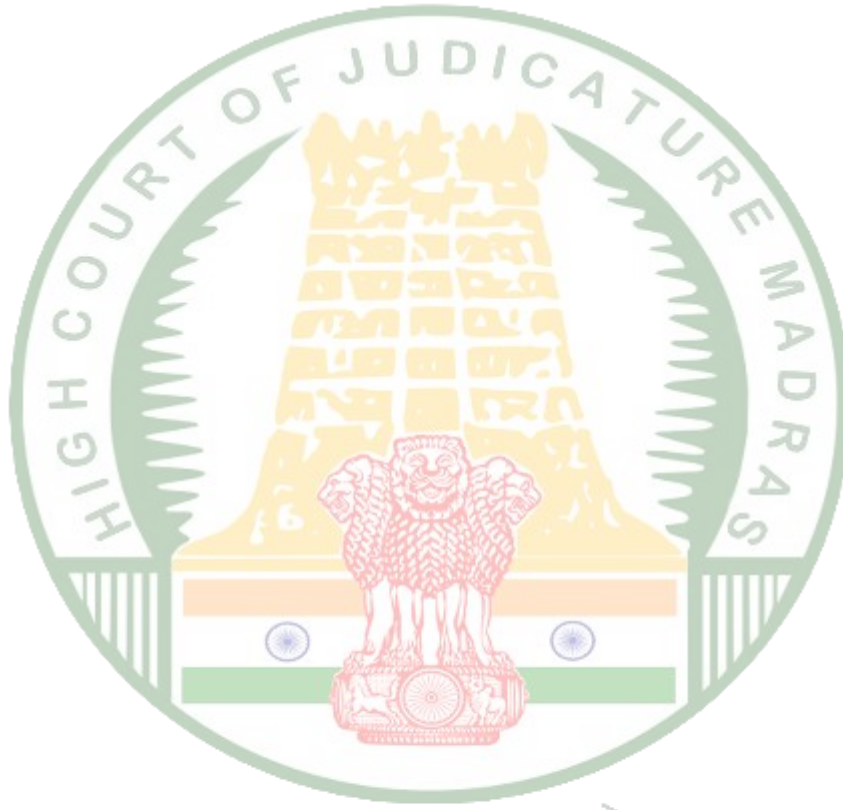
+1cc to Mrs.R.Swarnalatha, Advocate SR.No.76036

W.P.No.16247 of 2018

SSD (CO)

GMV (12/12/2018)

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