

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.12.2018

CORAM:
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.32853 of 2018
and
W.M.P.No.38063 of 2018

K.V. Mohammed Kutty

... Petitioner

/Vs/

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Transport Department,
Fort St. George,
Chennai - 600 009.
2. The Regional Transport Officer,
Regional Transport Office,
Karur District,
Karur.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Karur District.
Karur.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to issue No Objection Certificate for re-registering the petitioner's vehicle bearing Registration No.TN-47-AE-9263, in the State of Maharashtra.

For Petitioner : Mr.T. Velumani

For Respondents : Mrs.Ramya Revathy
[Government Advocate]

* * * *

O R D E R

The writ petition has been filed by the petitioner seeking for a direction to the 2nd respondent to consider the petitioner's representation, dated 02.08.2018, for issuance of "No Objection Certificate" for re-registering the petitioner's vehicle bearing Registration No. TN-47-AE-9263, in the State of Maharashtra.

2.The grievance of the petitioner is that he is the owner of the above vehicle. He purchased a vehicle viz., Transport Lorry bearing Engine No.13591803241 D63370305, Chasis No.mat466388e3d07489 from Tata Motors Limited and the said vehicle is registered with the second respondent in Registration No.TN-47-AE-9263. Now, the petitioner intent to sell the vehicle to a third party at Maharashtra for which, he required a No Objection Certificate [NOC], under Section 48 (5) of the Motor Vehicles Act.

3.Under these circumstances, the petitioner has filed an application for NOC before the second respondent/Regional Transport Officer on 02.08.2018. On receipt of the said application, the second respondent/Regional Transport Officer has sent a communication to the third respondent/Superintendent of Police, dated 02.08.2018 to verify as to whether any criminal complaint has been lodged against the petitioner. The third respondent has also submitted a report stating that one criminal case is pending against the petitioner's vehicle in C.C.No.8 of 2015 on the file of the learned Judicial Magistrate-II, Salem, hence the petitioner's application was not considered.

4.According to the petitioner, the case in respect of the offences under Sections 279 and 304-A IPC, has nothing to do with the transportation of the vehicle and it is not connected with any theft or other related offences, and it is not a bar for considering the petitioner's representation under Section 48 (5) of the Motor Vehicles Act. As per which, the registering authority shall obtain a report in writing from the police that no case relating to the theft is reported or pending, and the learned counsel appearing for the petitioner has also produced a copy of the case status.

5.Considering the facts and circumstances of the case and that the report has already been submitted by the third respondent/Superintendent of Police, the second respondent/Regional Transport Officer is directed to consider the petitioner's representation dated 02.08.2018 and after verifying all those records, after giving an opportunity of hearing to the petitioner, shall dispose of the application on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6.Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msm

To

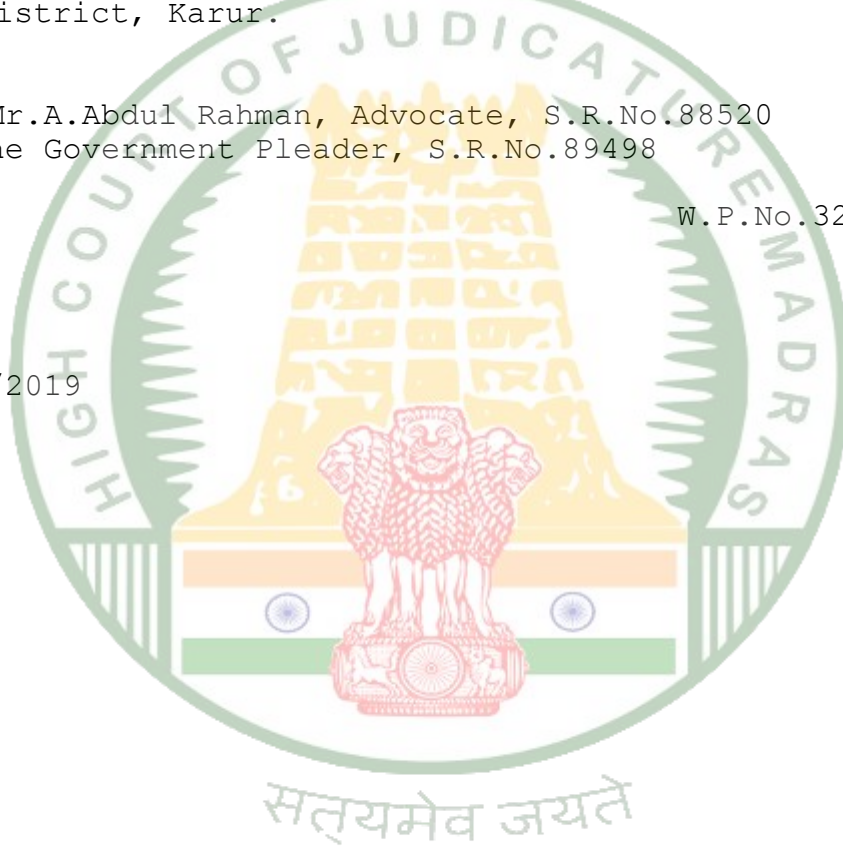
- 1.The Secretary,
Government of Tamil Nadu,
Transport Department,
Fort St. George, Chennai - 600 009.
2. The Regional Transport Officer,
Regional Transport Office,
Karur District, Karur.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Karur District, Karur.

+2ccs to Mr.A.Abdul Rahman, Advocate, S.R.No.88520
+1cc to the Government Pleader, S.R.No.89498

W.P.No.32853 of 2018

RKC (CO)

rrs 02/01/2019



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