



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.07.2019
CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI
W.P.No.18901 of 2008

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The Christian Mission of South India
Religious & Charitable Trusts, having
its field office at 979, Kongal Medu,
Eguvarpalayam Post,
Gumdidpoondi Taluk, Thiruvallur.
Rep.by its
Managing Trustee, Director Mr.V.Benni.
...Petitioner
vs

- 1.Union of India
rep.by its Secretary to Government,
Ministry of Shipping Road,
Transport &High Ways
Department of Road Transport & Highways
Transport Bhavan, No.1, Parliament Street,
New Delhi 110 001.
2. State of Tamil Nadu rep.by its
Secretary to Government, Transport Department,
Fort St.George, Chennai 600 009.
3. The Regional Transport Officer(North West)
Anna Nagar, Chennai 600 102.
- 4.The Regional Transport Officer,
Thiruvallur,
Through Motor Vehicle Inspector,
Unit office, red Hills
Chennai 52. ... Respondents
(R2 impleaded and amended as per order 26.09.2008
in MP.NO.425/08 in WP.NO18901/2008)

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of
Certiorarified Mandamus, to call for the records relating
to the Notification of the first respondent issued under
Sub-section(4) of Section(41) of the Motor Vehicles Act,
1988 in S.No.1249(E) and quash the same in so far as it
includes all types of "Omni Buses" under this category
"Transport Vehicle" and direct the respondents, to register
the vehicles of the petitioner trust as non-transport
vehicle.



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For Petitioner :D.S.N.Gandhi for
M/s.G.R.Associates

For Respondents : Mr.G.Baskar
Central Government
Standing Counsel for R1
Mrs.K.Bhuvaneshwari
Additional Government Pleader
for R2 to R4.

O R D E R

The petitioner has filed a writ petition for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Notification of the first respondent issued under Sub-section(4) of Section(41) of the Motor Vehicles Act, 1988 in S.No.1249(E) and quash the same in so far as it includes all types of "Omni Buses" under this category "Transport Vehicle" and direct the respondents, to register the vehicles of the petitioner trust as non-transport vehicle.

2. The learned counsel for the petitioner would submit that the very same relief sought for in the present writ petition is already dismissed by this Court in W.P.No.6685 of 2007 and as against the same the petitioner has preferred an appeal in W.A.No.134 of 2009, which was also dismissed and further, a review application is filed and the same is pending.

3. From the foregoing reasons, since a similar matter was dismissed before this Court in W.P.No.6685 of 2007 and a Division Bench of this Court has also confirmed the order passed by this Court. and since a review application is pending before this Court, if the review application is ordered in favor of the petitioner therein, the same may be extended to the petitioner herein and the petitioner may be entitled to avail the benefit.

4. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssb



To

1. The Secretary to Government
Union of India
Department of Road Transport & Highways
Transport Bhavan, No.1, Parliament Street,
New Delhi 110 001.
2. The Secretary to Government,
State of Tamil Nadu
Transport Department,
Fort St.George, Chennai 600 009.
3. The Regional Transport Officer(North West)
Anna Nagar, Chennai 600 102.
4. The Regional Transport Officer,
Thiruvallur,
Through Motor Vehicle Inspector,
Unit office, red Hills
Chennai 52.

+1cc to Mr.G.Baskaran, Advocate SR.No. 56296
+1cc to M/s.G.R.Associates , Advocate SR.No. 56315
+1 cc to Government Pleader Sr.No. 56894

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A.SK(13/08/2019)