



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.17901 of 2009

and

M.P.No.1 of 2009

Geetha Rani

... Petitioner

Vs

The Secretary,
Regional Transport Authority
Cum Regional Transport Officer,
Chennai South,
Chennai - 600 041.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to issue the duplicate Registration Certificate in respect of the vehicle bearing No. TN 07 Z 5485 to the petitioner.

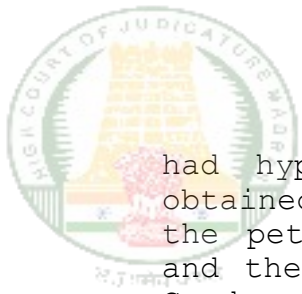
For Petitioner : Mr.V.Ragahavachari

For Respondent : Mrs.K.Bhuvaneswari,
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondent to issue the duplicate Registration Certificate in respect of the petitioner's vehicle bearing No. TN 07 Z 5485.

2. The case of the petitioner is that the petitioner had purchased a bajaj auto bearing Registration No.TN 07 Z 5485 in the year 1994 and the same was registered in the office of the respondent and the permit was also issued in his name. From the date of registration, the petitioner is running the vehicle within the limit of permitted area. Thereafter, the petitioner



had hypothecated the vehicle under the TII Corporation and obtained loan for his own business. After discharging the dues, the petitioner obtained clearance certificate from the lenders and the same was also filed before the Motor Vehicle Inspector Grade -I, Triplicane. Similarly, the petitioner has approached one Manohar and obtained loan. At that time of making payment, he had obtained several signatures of the petitioner in the blank papers and the said Manohar had joined hand with one Selvaraj and obtained the transfer for permit in the name of Selvaraj by fabricating the signed documents. Hence, there was a dispute with regard to RC book. Thereafter, a complaint was lodged before the Commissioner of Police for forging the documents. In the enquiry, the vehicle was handed over to the petitioner on verifying with the permit and ownership records. On 14.10.2005, the respondent had furnished the order of cancellation of permit granted in the name of Selvaraj. Challenging the said order, the petitioner filed a writ petition in W.P.No.1875 of 2006 before this Court which is pending before this Court.

3. The learned counsel for the petitioner would submit that though the ownership certificate and permit was granted in the name of the petitioner, he is in possession of the vehicle and he is not able to ply it apart from keeping it idle. Further, it is pertinent to mention that the production of F.C is mandatory for running the vehicles. Taking into consideration, the authorities have informed the petitioner to obtain the copy of the certificate from the respondent. When the petitioner approached the respondent, he was instructed to pay the necessary charges towards the issuance of copy of the certificate. Even after receiving the necessary charges, the respondent has prolonged the process of issuance of copy without assigning any valid reason. Hence, the petitioner made a representation to the respondent on 10.08.2009. Even after the representation, no response on the part of the respondent with regard to the issuance of the copy of the certificate. Hence, the petitioner has filed the present writ petition before this Court.

4. The learned Additional Government Pleader requested this Court to permit the petitioner to file a fresh application along with necessary documents before the respondent to enable them to pass appropriate orders.



5. In view, of the above, I am inclined to give liberty to the petitioner to make fresh application before the respondent along with necessary documents and fee. On receipt of such representation, the respondent is directed to consider the same on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.

6. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

The Secretary,
Regional Transport Authority
Cum Regional Transport Officer,
Chennai South,
Chennai - 600 041.

+lcc to the Government Pleader sr.56555
+lcc to M/s.V.Raghavachari, Advocate Sr.56266

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skv[co]
srg 14/08/2019