

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :08.07.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.Nos. 8249 & 8986 & 9243 & 9874 of 2009

S.Gurusamy

..Petitioner in
WP.No.8249 of 2009

V.K.Palanisamy

..Petitioner in
WP.No.8986 & 9874 of 2009

Tmt.S.Selvi

..Petitioner in
WP.No.9243 of 2009

Vs.

1.The Regional Transport Officer,
Tiruvallur,
Turivallur District.

.. Respondent in
WP.No. 8249 of 2009

2. The Registering Authority,
Perundurai, Erode District.

.. Respondent in
WP.No. 8986 of 2009

3.The Regional Transport Authority,
Namakkal,
Namakkal District.

.. Respondent
in WP.No. 9243 of 2009

4. The Regional Transport Authority,
Perundurai,
Erode District.

.. Respondent in
WP.No. 9874 of 2009

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Prayer in W.P.No. 8249 of 2009: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ Certiorari, to call for the entire records relating to the impugned order passed by the respondent in his proceedings Ku.No.62751/E3/2008 dated 25.02.2009 and quash the same.

Prayer in W.P.No. 8286 of 2009: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ Certiorari, to call for the entire records relating to the impugned order passed by the respondent in his proceedings R.No.28654/B1/08, dated 19.11.2008 and quash the same.

Prayer in W.P.No. 9243 of 2009: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ Certiorari, to call for the entire records relating to the impugned order passed by the respondent in his proceedings Sae.Mu.Aa.40453/E3/2008, dated 18.08.2008 and quash the same.

Prayer in W.P.No. 9874 of 2009: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ Certiorari, to call for the entire records relating to the impugned order passed by the respondent in his proceedings R.No.28654/B1/08, dated 12.02.2009 and quash the same.

For Petitioners in all WP.Nos. : Mr.C.Prakasam
For Respondents in all WP.Nos. : Mr.Ramesh, AGP.

C O M M O N O R D E R

Since the prayer in the above Writ Petitions are one and the same, they are clubbed together and a common order is passed in all the writ petitions.

2. The petitioners are the owners of the vehicles, since the petitioners were illegally run the vehicles carrying the rice bags, the vehicles were seized by the Inspector of Police and Revenue officials. Immediately, the transport authority cancelled the permit of the vehicles, against which, the present writ petitions have been filed by the petitioners.

3. The learned counsel appearing for the petitioners would submit that without giving any opportunity to the petitioners to give explanation on their side, permit of the vehicles were cancelled, which is a clear violation of process of Law.

4. Per contra, the learned Additional Government Pleader would submit that the cancellation of permit was done by the authorities by invoking Section 86(1) of the Motor Vehicles Act, 1988 read with Rule 172 (6) of the

Tamil Nadu Motor Vehicles Rules, 1989. Against the cancellation of permit, the petitioners' remedy is only available by way of filing an appeal before the Appellate Tribunal under Section 89 of the Motor Vehicles Act, 1988.

5. In view of the above, the writ petitions stand dismissed. However, liberty is granted to the petitioner, to file an appeal before the Appellate Tribunal. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kmm
To

- 1.The Regional Transport Officer,
Tiruvallur,
Turivallur District.
2. The Registering Authority,
Perundurai, Erode District.
- 3.The Regional Transport Authority,
Namakkal,
Namakkal District.
4. The Regional Transport Authority,
Perundurai,
Erode District.

+1cc to Mr.C.Prakasam , Advocate SR.No. 57191
+1 cc to Government Pleader Sr.No. 58073

W.P.Nos. 8249 & 8986 & 9243 & 9874 of 2009
A.SK(14/10/2019)

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