

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3937 of 2019

K.M.Anbarasu

.. Appellant

-vs-

1.K.M.Inbasekaran

2.The Regional Transport Officer,
Dharmapuri.

3.The Sub-Inspector of Police,
Palacode,
Dharmapuri District

... Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 16.05.2019 passed in W.P.No.14356 of 2019 on the file of this Court.

WP.NO.14356/2019:

This Writ Petition filed Under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to release the petitioners stage Carriage Bus No. TN 45/AT-6124 along with original records of the vehicle forthwith.

For Appellant : Ms.Nivedita for
Mr.T.R.Nagenthiran

For Respondent : No Appearance

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

We have heard Ms.Nivedita for Mr.T.R.Nagenthiran, learned counsel for the appellant.

2.The contention raised is that the learned Single Judge has committed an error in proceeding to dispose of the writ petition at the instance of the appellant's brother, who, undisputedly, is the Registered owner of the vehicle. The contention is that the vehicle was running under a permit, where a consent had been given, which came to be withdrawn and the said proceedings went up to the State Transport Appellate Tribunal, from where it has been remitted back to the Regional Transport Officer. Other writ petitions have also been filed in respect thereof.

3.We are not concerned with the merits or demerits of the claims otherwise pending in the other Writ Petitions, as this appeal is confined to the order of the learned Single Judge, arising out of an order of release of the vehicle, in favour of the brother of the appellant, who, as noted above, is admittedly the Registered owner of the vehicle.

4.The disposal of the writ petition, filed by the first respondent/writ petitioner, who is the real brother of the appellant, where, the vehicle has been released in his favour, subject to the condition of giving an affidavit that the vehicle shall not be alienated, appears to be a justified order passed by the learned Single Judge and the appellant, not being a Registered owner, cannot raise a contention otherwise, more so, when invoking equity the right of the appellant has been protected to the said extent. We, therefore, do not find any merit in this Writ Appeal, which is consigned to records, without prejudice to the rights of the appellant in any other pending proceeding or any right which may be asserted in respect of the vehicle in question. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msk

To

1.The Regional Transport Officer,
Dharmapuri.

2.The Sub-Inspector of Police,
Palacode,
Dharmapuri District

W.A.No.3937 of 2019

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