

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12..03..2019
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.28137 of 2018

&

W.M.P.Nos.32787, 32790 and 32793 of 2018
and

Writ Petition No.28147 of 2018

&

W.M.P.Nos.32797, 32800 and 32801 of 2018

W.P.No.28137 of 2018

A.M.M.Khaleel

.... Petitioner

-Versus-

1.The State Transport Authority,
Chepauk,
Chennai 600005.

2.The Regional Transport Officer,
Madurai (Central),
Madurai.

3.The Regional Transport Officer,
Coimbatore (West),
Coimbatore.

4.A.Dharmaraj

... Respondents

सत्यमेव जयते

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the order of the 1st respondent dated 14.08.2018 in R.No.A4/11549/2017 rejecting the joint application submitted by the petitioner along with the 4th respondent for transfer of contract carriage (Omni Bus) permit from the name of the 4th respondent to the name of the petitioner in respect of vehicle bearing Regn. No. TN 64 D 7816 and TN 64 D 7979 and to quash the same.

W.P.No.28147 of 2018

A.M.M.Khaleel

... Petitioner

-Versus-

1.The State Transport Authority,
Chepauk,
Chennai 600005.

2.The Regional Transport Officer,
Madurai (Central),
Madurai.

3.The Regional Transport Officer,
Coimbatore (West),
Coimbatore.

4.A.Dharmaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the order of the 1st respondent dated 14.08.2018 in R.No.A4/11550/2017 rejecting the joint application submitted by the petitioner along with the 4th respondent for transfer of contract carriage (Omni Bus) permit from the name of the 4th respondent to the name of the petitioner in respect of vehicle bearing Regn. No. TN 64 D 7816 and TN 64 D 7979 and to quash the same.

For Petitioner (s) : Mr.S.Govindaraman for
petitioner in both Writ
Petitions

For Respondent (s) : Mr.M.Elumalai,
Government Advocate for R1
to R3 in both Writ
Petitions

Mr.C.Sivanesan for R4 in
both Writ Petitions

WEB COPY

COMMON ORDER

(i) Challenging the order dated 14.08.2018 in R.No.A4/11549/2017 passed by the 1st respondent rejecting the joint application submitted by the petitioner along with the 4th respondent for transfer of contract carriage permit from the

name of the 4th respondent to the name of the petitioner in respect of vehicle bearing Regn. No. TN 64 D 7816 and TN 64 D 7979, the petitioner / transferee is before this court with W.P.No.28137 of 2018 and (ii) Challenging the order dated 14.08.2018 in R.No.A4/11550/2017 passed by the 1st respondent rejecting the joint application submitted by the petitioner along with the 4th respondent for transfer of contract carriage permit from the name of the 4th respondent to the name of the petitioner in respect of vehicle bearing Regn. No. TN 64 D 7816 and TN 64 D 7979, the petitioner / transferee is before this court with W.P.No.28147 of 2018.

2. Earlier when these writ petitions came up for hearing on 21.01.2019, at the request of the learned counsel for the petitioner and the 4th respondent, the writ petitions were referred for mediation before the Tamil Nadu Mediation and Conciliation Center, High Court, Madras. Pursuant to the mediation report, the writ petitions have been listed today before this court for disposal in terms of joint memo of compromise.

3. The learned counsel for the petitioner and the learned counsel for the 4th respondent in both the writ petitions submitted that the petitioner and the 4th respondent had settled the matter amicably between themselves before the Mediation Center and had entered into a joint memo of compromise in writing on. The joint memo of compromise entered into between the petitioner and the 4th respondent is placed before this court for perusal and this court has perused the same. The learned counsel for the petitioner and the 4th respondent submitted that the writ petition may be disposed in terms of the joint memo of compromise. The terms of compromise reads as follows:-

"4. Accordingly, both the parties along with their counsels appeared before the learned mediator. The parties discussed and came to a decision to settle their dispute that the Party of the First Part shall pay a sum of Rs.7,00,000/- i.e., Rs.5,00,000/- by way of cheque dated 21.02.2019 bearing No.618675 drawn on Corporation Bank, Coimbatore IFB Branch, Coimbatore 641 018 and Rs.2,00,000/- by way of Demand Draft dated 11.02.2019 bearing No.053433 drawn on Corporation Bank, Coimbatore IFB Branch, Coimbatore - 641 -18 to the Party of the Second Part towards full and final settlement on the transaction for the two omni bus permit of vehicle Nos. TN 64 D 7816 and TN 64 D 7979. The matter is posted to

12.02.2019.

5. The Party of the First Part is paying the sum of Rs.2,00,000/- by way of a Demand Draft and a cheque for Rs.5,00,000/- in the name of the Second Party. The second party had acknowledged the same. The second party hereby had agreed to transfer the two omni bus permits of vehicle Regn. Nos.TN 64 D 7816 and TN 64 D 7979 from his name to the name of the party of the First Part subject to realization of Rs.5,00,000/- cheque. The party of the Second Part has no objections for the transfer of the said vehicles and permits to the name of the Party of the First Party and agrees to extend his co-operation for the same. Both the parties express their regards to the learned mediator.

The cheque for Rs.5,00,000/- was encashed by the second party on 23.02.2019."

4. In the light of the compromise entered into between the petitioner and the 4th respondent, the impugned order passed by the first respondent is set aside and the first respondent is directed to consider the applications for transfer of permits submitted by the petitioner jointly along with the 4th respondent based on the compromise reached between the parties. The joint memo of compromise entered into between the petitioner and the 4th respondent shall form part and parcel of this order. These writ petitions stand disposed of accordingly. No costs. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

WEB COPY

To

1.The State Transport Authority, Chepauk, Chennai 600005.

2.The Regional Transport Officer, Madurai (Central), Madurai.

3.The Regional Transport Officer, Coimbatore (West), Coimbatore.

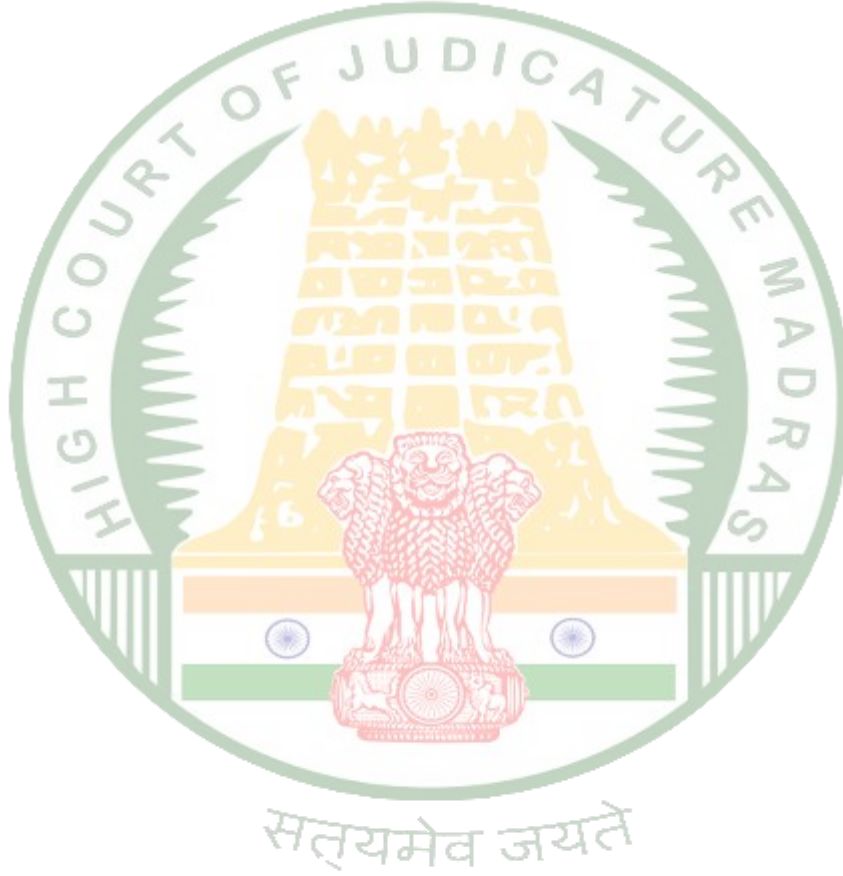
+1cc to Mr.S.Govindaraman, Advocate sr.no.23313

+1cc to Mr.M.Baskaran, Advocate sr.no.23277

+1cc to Government Pleader sr.no.23599

Writ Petition
Nos.28137 and 28147 of 2018

nr 19/03/2019



WEB COPY