



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A. (MD) .No.984 of 2019

and

C.M.P (MD) .No.8983 of 2019

- 1.M.Mohamed Jamil
- 2.M.Mohamed Thowbieck ... Respondents 4 and 5/Appellants

Vs.

- 1.S.K.A.Noorjahan Beevi ... Petitioner/Respondent
- 2.The Commissioner,
State Transport Authority,
Chepauk,
Chennai-600 005.
- 3.The Regional Transport Authority,
-cum-The District Collector,
Sivagangai.
- 4.The Secretary,
Regional Transport Authority-cum-
The Regional Transport Officer,
Sivagangai. ..Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.19304 of 2019 dated 05.09.2019 in directing the fourth respondent to produce all the records including permit, renewal and fitness certificate, details of the vehicle which in the possession of the appellants.

Prayer in WP(MD). 19304/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondents 1 and 2 to cancel the fitness certificate granted to the petitioners stage carriage bearing Registration No.TN 65 Y 9516 and the spare bus Registration No.TN 65 Y 0526 with reference to the representation of the petitioner dt.15/04/2019 and 29/04/2019 to the respondents



For Appellants : Mr.M.Palani
For R2 to R4 : Mr.A.K.Baskara Pandian
Special Government Pleader

WEB COPY

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.M.Palani, learned counsel appearing for the appellants and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondent Nos.2 to 4.

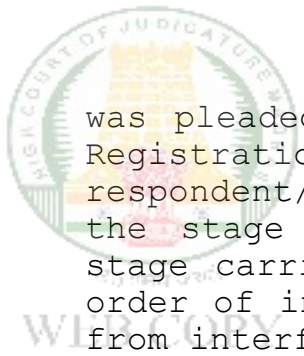
2.In the light of the judgment we propose to pass in this appeal, notice to the first respondent is dispensed with.

3.The appellants are aggrieved by the interim direction issued by the learned Writ Court in W.P.(MD).No.19304 of 2019, dated 05.09.2019. By the said order, the learned Writ Court had directed the writ petition to be posted on 12.09.2019 along with W.P(MD). Nos.8402 and 6012 of 2018. The Court further directed the Regional Transport Officer, Sivagangai, to produce all the records including permit, renewal and fitness certificate details on that day, without fail. It appears that the matter was listed on 23.09.2019 and the matter now stand adjourned to 03.10.2019.

4.The learned counsel for the appellants submitted that pursuant to the interim direction issued in the writ petition, the Regional Transport Officer, Sivagangai, has issued notice to the appellants dated 23.09.2019 directing the appellants to produce all the original documents pertaining to the said stage carriage. Pursuant to the notice dated 23.09.2019, it is submitted that the bus has not been permitted to be operated by the appellants. We note that the writ petition is pending and interim direction has been issued to the Regional Transport Authority and further, the matter is to be heard by the learned Writ Court on 03.10.2019.

5.In the light of the said position, we do not wish to interfere and pass orders or render any opinion on the main dispute, which will have an impact on the relief sought for in the writ petition, filed by the first respondent herein. However, we wish to record the stand taken by the learned counsel for the appellants which in our considered view should be placed before the Hon'ble Single Bench for its consideration.

6.It is the case of the appellants that civil proceedings are pending between the appellants and the first respondent, who is none other than the appellants' mother. In the said civil suit viz., O.S.No.109 of 2013 on the file of the District Munsif Court, Paramakudi, the appellants moved an interlocutory application in I.A.No.794 of 2013 for grant of an order of interim injunction. It



was pleaded before the civil Court that though the permit and the Registration Certificate stand in the name of the first respondent/writ petitioner, it is the appellants who are operating the stage carriage and the original documents pertaining to the stage carriage are in their custody. Therefore, they sought for an order of interim injunction to restrain the first respondent/mother from interfering with their operating the stage carriage.

7.Initially, notice was ordered in the interlocutory application and after the first respondent/writ petitioner entered appearance through the counsel, the Court heard the matter and passed final order in I.A.No.794 of 2013 dated 10.03.2015. By virtue of the said interim order, the parties were directed to maintain status-quo. Thus, it is the submission of the learned counsel for the appellants that the status-quo which was prevailing prior to the passing of the interim order by the Civil Court is to mean that the appellants were entitled to ply their vehicle and be in possession of the original documents. It is submitted that the first respondent/writ petitioner did not challenge the order dated 10.03.2015 in I.A.No.794 of 2013 and the said order has attained finality. We find that these averments have been set out in the counter affidavit filed in the writ petition, more particularly, in Paragraph Nos.4,5,6,7,11,12,. In our considered view, the submissions advanced before us should be placed for consideration of Hon'ble Single Bench and as pointed out by us earlier, we do not wish to interdict the proceedings at this juncture. However, we direct that until the next hearing of the Writ Court, the authorities is directed to maintain status-quo as on today and place all the submissions before the Hon'ble writ Court. It goes without saying that the appellants will be entitled to ply the said stage carriage until further orders are passed in the writ petition.

8.With the above direction, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P AND A)

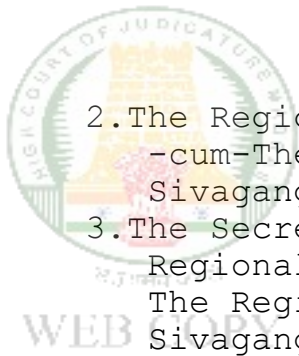
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Sub Assistant Registrar(CS)

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To

1.The Commissioner,
State Transport Authority,
Chepauk,
Chennai-600 005.



- 2.The Regional Transport Authority,
-cum-The District Collector,
Sivagangai.
- 3.The Secretary,
Regional Transport Authority-cum-
The Regional Transport Officer,
Sivagangai.

+1 cc Mr.M.PALANI, ,Advocate, SR.No. 90790
+1cc to M/s.Special Government Pleader,SR.No. 90864

**W.A. (MD) .No.984 of 2019
and
C.M.P (MD) .No.8983 of 2019**

30.09.2019

KK/SAR/01.10.2019/4P-6C/