



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

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WEB COPY

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.7106 of 2016
and W.M.P(MD) No. 6036 of 2016

V.ST.PL.Valliammai

.. Petitioner

Vs.

1.The Regional Transport Authority/District Collector,
Madurai Central,
Collectorate Office,
Madurai,
Madurai District.

2.The Regional Transport Officer,
O/o The Regional Transport Office (Central),
Melur Road,
Madurai,
Madurai District.

3.Ramachandran

... Respondents

(R3 is impleaded vide court order dated 4.6.2019 in W.M.P(MD)No. 10196 of 2016)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents 1 and 2 to consider the petitioner's application dated 3.2.2016 for transfer of ownership in respect of Mini Bus bearing Registration No. TN 58 E 8812 in pursuant to the memo issued by the second respondent vide Kurippanai No.4249/E1/2016 dated 11.02.2016 within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For R1 & R2 : Mr.R.Murugan
Additional Government Pleader



O R D E R

The petitioner seeks a mandamus directing respondents 1 and 2 to consider the petitioners' application dated 03.02.2016 for transfer of ownership of Mini Bus bearing Registration No. TN-58-E-8812 (vehicle in question).

2. The petitioners' case is that the vehicle in question was originally owned by one Mr. Ramachandran, the third respondent herein, who has transferred ownership of the vehicle on 03.09.2007 to the petitioner. The petitioner has been plying the vehicle in question from the said date. The original documents of the vehicle in question are also in the possession of the petitioner. Taxes and insurance are said to be paid upto date. The permit in respect of the vehicle is valid upto 05.12.2020. However, when the third respondent was called upon to transfer the ownership of the vehicle to the name of the petitioner, he appears to have objected to the same vide representation dated 03.02.2016 addressed to respondents 1 and 2.

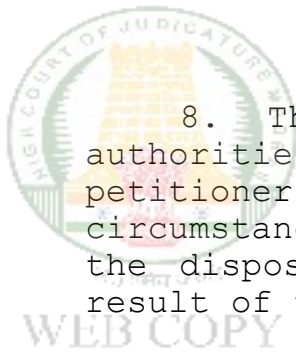
3. Since, the petitioner had, in the meantime, also submitted an application dated 03.02.2016 seeking transfer of ownership to his name, the second respondent, vide memo dated 11.02.2016, called upon the third respondent to show cause why the permit should not be cancelled to which there was no response from the third respondent.

4. The matter stood status quo, without any progress prompting the petitioner to approach this Court with the present writ petition.

5. A counter has been filed by respondents 1 and 2. According to the respondents 1 and 2, the relief sought for by the petitioner is not liable to be granted since the original documents sought for have not been produced. Various other materials defects in the application filed by the petitioner are also pointed out.

6. This Court, after impleading the third respondent as a necessary party, issued notice to him, despite service of which and printing of name in the cause list, he has not chosen to appear.

7. In my view it is incumbent upon the second respondent to dispose application dated 03.02.2016 seeking transfer of permit to the name of the petitioner on merits. Let the same be done within a period of four weeks from date of receipt of a copy of this order. The second respondent will, prior thereto, issue notice to the petitioner as well as the third respondent and proceed to dispose the application after reasonable opportunity is extended to the parties to appear and put forth their respective cases.



8. This Court vide order dated 12.04.2016 directed the authorities to issue fitness certificate pursuant to which the petitioner states that he is plying the vehicle. In these circumstance, let operation of the vehicle not be disturbed, till the disposal of the application as aforesaid and subject to the result of the same.

9. This writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)

CM

To

1.The Regional Transport Authority/District Collector,
Madurai Central,
Collectorate Office,
Madurai,
Madurai District.

2.The Regional Transport Officer,
O/o The Regional Transport Office (Central),
Melur Road,
Madurai,
Madurai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-78609.
+1 CC to SPL GP SR-78907.

W.P(MD)No.7106 of 2016
and W.M.P(MD) No. 6036 of 2016
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CS(14.10.2019) 3P 5C