



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)Nos.25309 and 25312 of 2019

and

W.M.P(MD)No.21891 of 2019

K.Amaresan

... Petitioner (in both petitions)

Vs.

1.The Regional Transport Authority,
Dindigul.

...1st Respondent (in W.P(MD)No.25309 of 2019)

2.The Regional Transport Officer,
Dindigul.

... 2nd Respondent (in W.P(MD)No.25309 of 2019) &

... 1st Respondent (in W.P(MD)No.25312 of 2019)

PRAYER in W.P(MD)Nos.25309 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents herein to take back the application of the petitioner, dated 15.11.2019 for renewal of permit for the period from 15.12.2019 to 14.12.2024 in respect of petitioner's stage carriage bearing Registration No.TN-59/AD-3083 plying on the route "Madurai to Dindigul" returned by the second respondent vide letter in Na.Ka.No.51349-A3-2019, dated 18.11.2019 and consider and pass order on the application of the petitioner.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents herein to take back the application of the petitioner dated 15.11.2019, for replacement of the petitioner's vehicle bearing Registration No.TN-59/AD-3083 plying on the route "Madurai to Dindigul" by another vehicle bearing Registration No.TN-49/BY-3585 returned by the second respondent vide letter in Na.Ka.No.51637-A3-2019, dated 18.11.2019 and consider and pass orders on the application of the petitioner.

For Petitioner : Mr.Radhagopalan,
for Mr.T.Padmanaban. (in Both Cases)

For Respondents : Mrs.J.Padmavathydevi,
Special Government Pleader.
(in Both Cases)



COMMON O R D E R

The petitioner is the Stage Carriage Operator, operating a vehicle on the route "Madurai to Dindigul". It was seized by the police and a case was registered in Crime No.171 of 2012. Thereafter, the petitioner filed a petition under Section 457 of Cr.P.C in CrI.M.P.No.5941 of 2012, before the learned Judicial Magistrate, Melur, wherein, the learned Magistrate has imposed conditions, which are as follows:

"In the result, the petitioner is allowed and interim custody of the vehicle bearing Reg.No.TN 58 AD 3083 granted to the petitioner on the following conditions.

(i) The petitioner shall executed a bond for Rs.4,00,000/- with one surety for the like sum.

(ii) The petitioner shall not alter change mortgage, sell or in any other manner transfer or encumber the property till disposal of the case.

(iii) The petitioner shall produce two photo copies of the vehicle showing the entire look of the same.

(iv) The petitioner shall surrender the Original RC Book in the Court.

(v) The petitioner shall also give an undertaking to produce the vehicle before this Court as and when required and also if conflictions was ordered."

2. Thereafter, the petitioner has approached the respondents for renewal of permit for a period of five years from 15.12.2014 to 14.12.2019, but, the respondent have returned the application with a direction to get orders from the concerned Judicial Magistrate.

3. The learned Judicial Magistrate, Melur, has imposed conditions that the vehicle should not be altered or encumbered and the RC Book shall be surrendered before the Court below. The respondent cannot renew the permit, without production of the RC Book. Therefore, the petitioner should get orders from the concerned Magistrate to impose conditions and thereafter, proceed with his request for renewal of permit. Till such direction is given, the respondent is directed to keep the application pending.

4. Once the petitioner produce the order of the learned Judicial Magistrate, Melur, further action can be taken.

5. Status quo till 15.01.2020.

6. However, if the petitioner does not produce any orders, it is open to the respondent to pass orders in accordance with law.



7.These Writ Petitions are disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

das

TO

1.The Judicial Magistrate, Melur.

2.The Regional Transport Authority,
Dindigul.

3.The Regional Transport Officer,
Dindigul.

+2CC TO MR.T.PADMANABAN, Advocate Sr. No.102260

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 102685

W.P(MD)Nos.25309 and 25312 of 2019
and

W.M.P(MD)No.21891 of 2019
28.11.2019

SV2(CO)

TR(10.12.2019) 3P 7C