

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.35436 of 2015

V.Baby Saroja

... Petitioner

Vs.

1.The Regional Transport Authority,
Tiruvannamalai.

2.The Regional Transport Officer,
Tiruvannamalai District, Tiruvannamalai.

3.R.V.Kuppusamy

4.R.V.Janarthanan

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents 1 & 2 to return the Registration Certificate, Renewed Stage Carriage permit for the period from 12.01.2016 to 11.01.2021 and Insurance Policy pertaining to the vehicle of the petitioner bearing Registration No.TN 25 AZ 6395 to the petitioner within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents: Ms.A.Madhumathi,
Special Government Pleader (R1 & R2)
Mrs.G.P.Bhargavi (R3 & R4)

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 & 2 to return the Registration Certificate, Renewed Stage Carriage permit for the period from 12.01.2016 to 11.01.2021 and Insurance Policy pertaining to the vehicle of the petitioner bearing Registration No.TN 25 AZ 6395 to the petitioner within a stipulated period.

2. According to the petitioner, she is the absolute owner of the bus bearing Registration No. TN 25 AZ 6395 and on 16.09.2015, she applied to the 2nd respondent requesting to renew the permit for the period from 12.01.2016 to 11.01.2021 and also paid the necessary charges for the purpose of such carriage permit. After renewal of the permit, the petitioner requested the 2nd respondent to return the Registration Certificate, Renewed Stage Carriage permit and Insurance Policy, but the 2nd respondent refused to do so. In these circumstances, the petitioner has filed the above Writ Petition seeking for the relief as mentioned above.

3. Mrs. G.P. Bargavi, learned counsel appearing for the 4th respondent submitted that a Civil Suit in O.S.No.31 of 2013 on the file of the District Court, Tiruvannamalai is pending and therefore, the petitioner is not entitled to get the relief sought for in the Writ Petition. The said suit in O.S.No.31 of 2013 has been filed by the respondents 3 & 4 for partition and for other reliefs.

4. The 2nd respondent filed a counter wherein it has been stated the permit should not be handed over to the petitioner since the Civil Suit is pending before the District Court, Tiruvannamalai.

5. Ms. A. Madhumathi, learned Special Government Pleader appearing for the respondents 1 & 2 submitted that the 2nd respondent had not returned the documents to the petitioner for the reason that the Civil Suit in O.S.No.31 of 2013 is pending.

6. Mr. K. Govi Ganesan, learned counsel appearing for the petitioner submitted that the subject matter of the Writ Petition (i.e.) the bus bearing Registration No. TN 25 AZ 6395 is not the subject matter of the suit and therefore, the pendency of the suit shall not stand in the way of the 2nd respondent in returning the documents as sought for by the petitioner.

7. On a perusal of the Schedule of property in the plaint in O.S.No.31 of 2013, it is clear that the respondents 3 & 4 herein have not included the bus bearing Registration No. TN 25 AZ 6395 and also the permit as the subject matter. In these circumstances, mere pendency of the Civil Suit shall not stand in the way of the 2nd respondent in returning the documents to the petitioner. In such view of the matter, I direct the 2nd respondent to return the Registration Certificate, Renewed Stage Carriage permit for the period from 12.01.2016 to 11.01.2021 and Insurance Policy pertaining to the vehicle of the petitioner bearing Registration No. TN 25 AZ 6395 within a period of three weeks from the date of receipt of a copy of this order.

8.With these observations, the Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

1.The Regional Transport Authority,
Tiruvannamalai.

2.The Regional Transport Officer,
Tiruvannamalai District,
Tiruvannamalai.

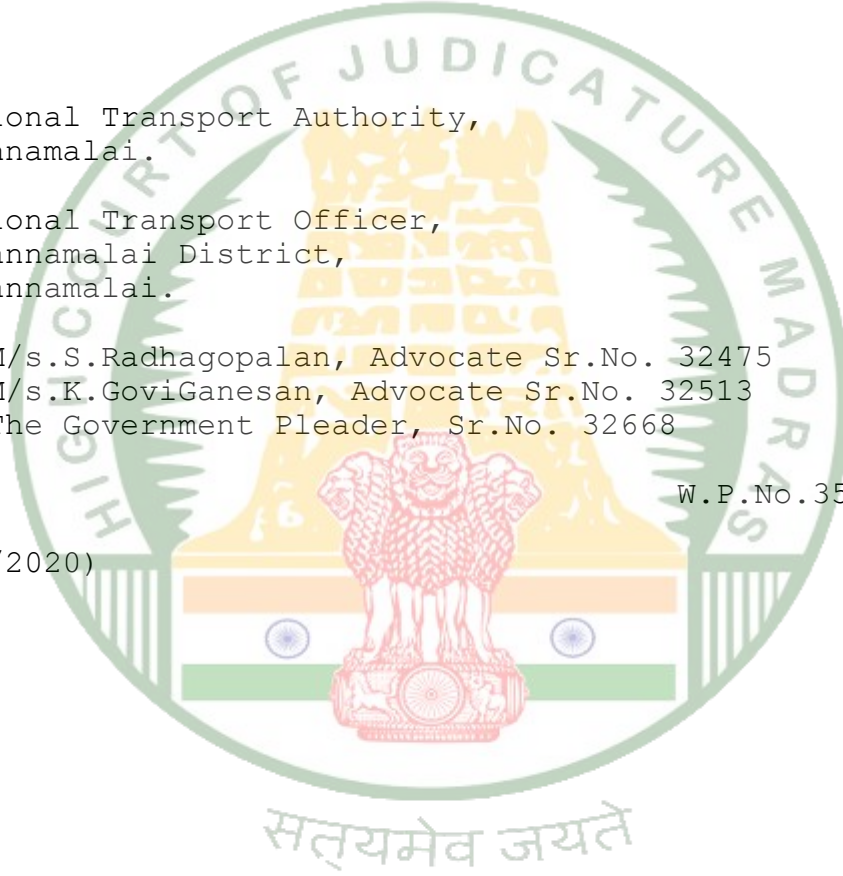
+1 cc to M/s.S.RadhaGopalan, Advocate Sr.No. 32475

+1 cc to M/s.K.GoviGanesan, Advocate Sr.No. 32513

+1 cc to The Government Pleader, Sr.No. 32668

W.P.No.35436 of 2015

BR(CO)
RMP(04/11/2020)



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