

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11198 of 2020

A.M.M.Khaleel,
S/o.A.D.Adam Sheriff,
No.39-A, New York Avenue,
2nd Cross, Milakal Stop,
Podanur, Coimbatore - 641 023

...Petitioner

-Vs-

1. The State Transport Authority,
Chepauk, Chennai - 600 005.
2. The Regional Transport Officer,
Madurai (Central), Madurai.
3. The Regional Transport Officer,
Coimbatore (West), Coimbatore.
4. A.Dharmaraj
No.70, Kennet Schools Road,
Ellis Nagar, Madurai - 625 010.

And also at
M/s. Southern Freight Carriers,
C22/23, CMDA Truck Terminal,
GNT Road, Madhavaram,
Chennai - 600 110.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to pass final orders for the transfer of contract carriage omni bus permits from the name of the 4th respondent to the name of the petitioner in respect of Vehicle No.TN 64 D 7816 and Vehicle No. TN 64 D 7979 in the light of the orders of this Hon'ble Court in W.P.Nos.28137 and 28147 of 2018.

For Petitioner : Mr. S.Govindraman

For Respondents : Mr.K.Parameswaran,
Government Advocate

O R D E R

Mr.K.Parameswaran, Government Advocate takes notice on behalf of the respondents.

2. This Writ Petition has been filed for the issue of Writ of Mandamus directing the first respondent to pass final orders for the transfer of the contract carriage permit from the name of the fourth respondent to the name of the first respondent. It is seen from the records that this Court has already passed an order in W.P.No.28137 & 28147 of 2018 dated 12.03.2019 and has recorded the compromise between the petitioner and the fourth respondent and disposed of the writ petition. The order is extracted hereunder.

"1. 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 -641018 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."

3. Pursuant to the above order, the petitioner has submitted the necessary application before the first respondent seeking for transfer of the contract carriage in the name of the petitioner. The grievance of the petitioner is that the first respondent, without taking note of the orders passed by this Court is repeatedly attempting to send notice to the fourth respondent and the fourth respondent is not interested in appearing before the first respondent and therefore the entire process is getting delayed. Left with no other alternative, the petitioner has approached this Court by the present writ petition seeking for appropriate direction.

4. Heard Mr. Govindraman, learned counsel for the petitioner and Mr. K. Parameswaran, learned Government Advocate appearing for respondents 1 to 3.

6. It is very clear from the earlier orders passed by this Court referred supra that the dispute between the petitioner and the fourth respondent has been compromised and it has also been recorded and made as part and parcel of the earlier order. Therefore, what remains is only the transfer of the contract carriage permit in the name of the petitioner. Attempting to serve notice on the fourth respondent is an useless formality and the first respondent need not have resorted to such a process. The first respondent ought to have complied with the orders passed by this Court.

7. In the result, there shall be a direction to the first respondent to act upon the application submitted by the petitioner and transfer the contract carriage permit in the name of the petitioner. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar

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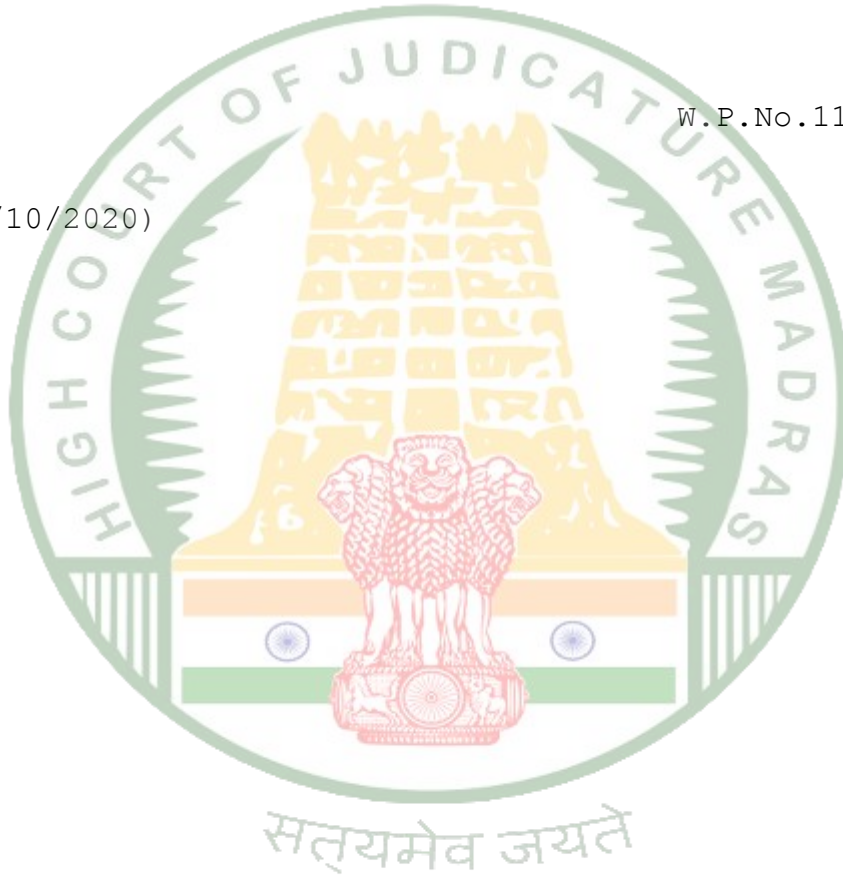
Sub Assistant Registrar

To

1. The State Transport Authority,
Chepauk, Chennai - 600 005.
2. The Regional Transport Officer,
Madurai (Central), Madurai.
3. The Regional Transport Officer,
Coimbatore (West), Coimbatore.

W.P.No.11198 of 2020

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