

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.12655/2020 & WMP.Nos.15633 & 15635/2020

1.P.Lakshmi
2.Mrs.L.Tulasi
(1 and 2 represented by their POA Brother
- K.Gopalashankar)
3.K.Gopalashankar ... Petitioners

Versus

1.The Transport Commissioner
State Transport Authority,
Chepauk, Chennai 600 005.
2.The Regional Transport Officer
Villupuram.
3.G.Sundaravadanam ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to revoke the renewal of stage carrier permit granted in the name of the 3rd respondent for the period from 2018 to 2023 on the interstate enclave route Cuddalore to Villupuram via Bahur, Madhagadipattu, Valavanur in respect of vehicle bearing Registration No.TNM 9675 since replaced with vehicle bearing No.TN 63 AV 8634 and to restore and re-transfer the permit to the name of the petitioner with reference to the representation of the petitioner dated 16.12.2019.

For Petitioners : Mr.R.Subramaniyan for
Mr.S.Govindaraman

For RR 1 and 2 : Mr.K.Parameshwaran
Government Advocate

ORDER

(1)This writ petition is filed for the issue of a writ of mandamus directing the 1st respondent to revoke the renewal of the Stage Carriage Permit granted in the name of the 3rd respondent.

- (2) The case of the petitioners is that the Stage Carriage Permit was initially granted in the name of the father of the petitioners. He had availed loan and as a security, the Stage Carriage Permit was transferred by the father of the petitioners in the name of one R.Krishnamurthy. The further case of the petitioners is that on the request made by the lender of the money, a joint application was made by the said Krishnamurthy and the 3rd respondent for transfer of permit. This was objected by the father of the petitioners and the permit was given in the name of the 3rd respondent. This was further confirmed by the State Transport Appellate Tribunal.
- (3) Left with no other remedy, the father of the petitioners filed a suit in OS.No.99 of 1999 before the Sub Court, Panruti, praying for a declaration that he is entitled for re-transfer of the Stage Carriage Permit. The suit was partly decreed vide judgment and decree dated 16.09.2004.
- (4) The 3rd respondent challenged the said decree by filing AS.No.99 of 2004 before the Principal District Court, Cuddalore. The Appeal Suit was dismissed, confirming the judgment and decree of the Trial Court. Thereafter, the 3rd respondent has filed a Second Appeal before this Court in SA.No.945 of 2016 and the said Second Appeal is pending.
- (5) The further case of the petitioners is that no interim orders have been passed by this Court in the Second Appeal and the decree passed by the Trial Court is very much in force and therefore, the petitioners, being the legal heirs of the original permit holder, made a representation to the 1st respondent on 16.12.2019 requesting for revocation of the renewal of Stage Carriage Permit granted in favour of the 3rd respondent. This representation was taken on file by the 1st respondent and the 1st respondent, by a letter dated 12.03.2020, directed the petitioners and also the 3rd respondent to submit all the relevant documents for the purpose of conducting the enquiry. The grievance of the petitioners is that the documents have already been submitted before the 1st respondent and the 1st respondent has not taken any steps to conduct the enquiry to revoke the Stage Carriage Permit standing in the name of the 3rd respondent. Aggrieved by the same, the present writ petition has been filed before this Court, seeking for appropriate directions.
- (6) Heard the learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate accepting notice on behalf of respondents 1 and 2.
- (7) Taking into consideration the facts and circumstances of the case and also of the fact that the inter-se rights of the parties has been decided by a competent Civil Court and the petitioners having taken a very specific stand that no interim orders have been passed in the Second Appeal, there shall be a direction to the 1st respondent to immediately call the parties

for an enquiry and shall take note of all the relevant documents and pass final orders strictly in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The 1st respondent shall issue notice to the petitioners as well as the 3rd respondent and give sufficient opportunity before passing final orders. The petitioners are directed to make a fresh representation to the 1st respondent along with all relevant documents and also a copy of this order.

(8) This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Transport Commissioner
State Transport Authority,
Chepauk, Chennai 600 005.
2. The Regional Transport Officer
Villupuram.

WP.No.12655/2020

SPD (CO)
GN (28/10/2020)

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