

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.21744 of 2019
and
WMP.No.7694 of 2020

S.Padma @ Padmavathi,
W/o.R.Srinivasan @ Sanga Pillai.

... Petitioner

Vs.

1.The Presiding Officer,
State Transport Appellate Tribunal,
Chennai 600 104.

2.Regional Transport Authority,
Namakkal (South),
Muthalapatti P.O.
Namakkal 637 003.

3.Mrs.K.Jaya @ Jayalakshmi,
W/o.Murugesan @ Karuppu Chettiar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the first respondent - State Transport Appellate Tribunal, Chennai, to take the Appeal on file and number the same and dispose it of on merits.

For Petitioner : M/s.Michael Marie Antony

For Respondents: Mr.S.N.Parthasarathi

Government Advocate for R2.

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus, directing the first respondent to take up the Appeal filed by the petitioner for hearing and to dispose of the same within the time limit fixed by this Court.

2.The petitioner had approached this Court on an earlier occasion by filing writ petition in W.P.No.25352 of 2010 and this Court had passed the following order on 04.07.2018.

"This writ petition has been filed to issue a writ of Mandamus directing the first respondent to transfer the permit of a vehicle bearing No.TN-28-AD-1579 standing in the name of M/s.Jeyam Bus Transports to the name of the petitioner.

2.According to the petitioner, after the death of her partner by name, A.Samiyammal, the petitioner became the sole proprietrix of the firm viz., Jayam Bus Transports. Hence, she filed a petition to transfer the permit of the vehicle in question standing in the name of the said firm to her favour, which has not been considered by the first respondent. Hence, this writ petition.

3.When the matter was taken up for consideration, the learned counsel for the petitioner, after arguing sometime, ultimately submitted that since the permit of the vehicle in question, standing in the name of Jeyam Bus Transports, has already been renewed till 02.03.2021, the petitioner may be given liberty to approach the Tamil Nadu State Transport Tribunal to work out her remedy.

4.The learned counsel appearing for the respective respondents have no serious objection for granting such relief to the petitioner.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the writ petition stands closed, granting liberty to the petitioner to approach the Tribunal concerned for appropriate relief in the manner known to law. "

3.Pursuant to the above order passed by this Court, the petitioner filed an appeal before the first respondent. The same was returned and it was re-presented by the petitioner. The grievance of the petitioner is that the first respondent is yet to entertain the appeal and left with no other option, the present writ petition has been filed before this Court.

4.Heard Mr.Michael Marie Antony, learned counsel appearing on behalf of the petitioner and Mr.S.N.Parthasarathi, learned Government Advocate, appearing on behalf of the second respondent.

5.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in the writ petition, there shall be a direction to the first respondent to entertain the appeal filed by the petitioner on 29.10.2018 and to deal with the same strictly in accordance with law and pass orders within a period of eight weeks from the date of re-presentation of the appeal papers by the petitioner.

6.This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

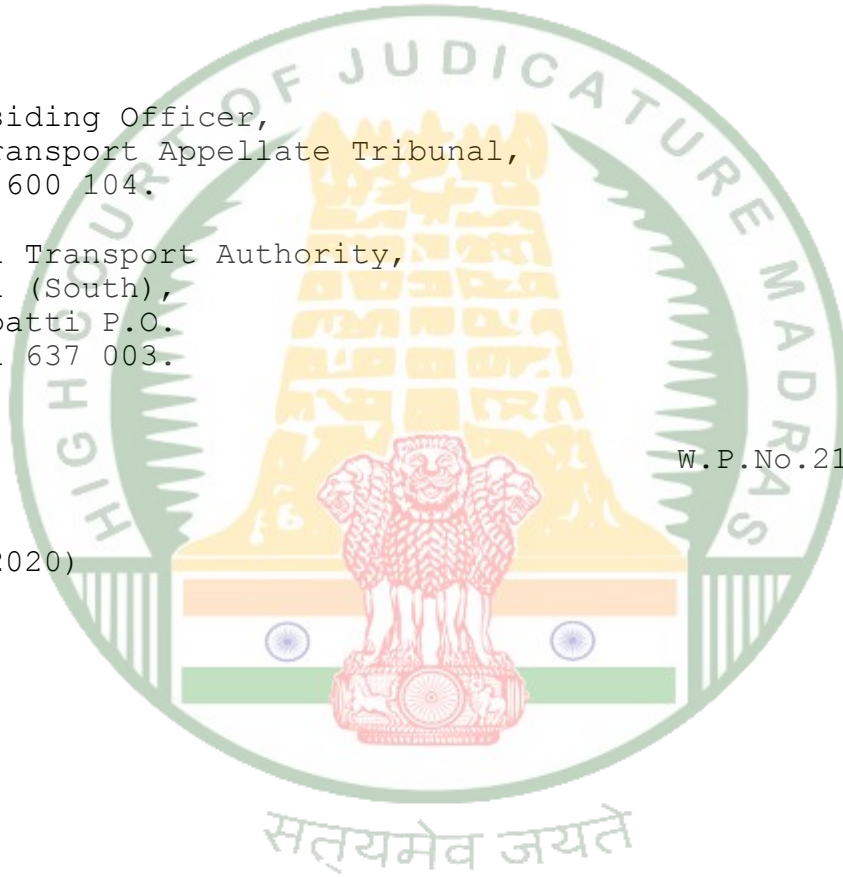
Rm
To

1.The Presiding Officer,
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Chennai 600 104.

2.Regional Transport Authority,
Namakkal (South),
Muthalapatti P.O.
Namakkal 637 003.

W.P.No.21744 of 2019

SSD(CO)
SP(20/11/2020)



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