

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.18324 of 2020
and WMP.No.22703 of 2020

P.Devaraj

... Petitioner

Vs.

1. The Regional Transport Authority,
Tiruvannamalai.

2. The Regional Transport Officer,
Tiruvannamalai.

3. Vijaya

4. Chandra

5. M.Hariharan

6. Anitha

7. S.Sathish Kumar

8. S.Venkatak Krishnan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the application of the petitioner dated 10.11.2020 for transfer of permit on the route Tiruvannamalai to Tirukoilur Via. Vettavalam along with vehicle bearing Registration No.TN 25/J-3132 from the name of the deceased permit holder Mr.Panchatcharam in the name of the petitioner along with the application of the 5th respondent.

For Petitioner : Mr.S.Radha Gopalan

For Respondents: Mr.Mani Gopi
Government Advocate

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents 1 & 2 to consider the application filed by the petitioner on 10.11.2020 wherein the petitioner is seeking for transfer of permit in his name.

2. The case of the petitioner is that originally the father of the petitioner was holding a permit to ply on the route between ''Tiruvannamalai to Thirukovilur'' via Vettavalam. He died on 14.03.2020. According to the petitioner, he died leaving behind one son and two daughters. There is one son and a daughter, who pre-deceased the father of the petitioner. The pre-deceased son had a son and a daughter who are the 5th and 6th respondents in this writ petition and the pre-deceased daughter had two sons who are the 7th and 8th respondents in this writ petition.

3. The grievance of the petitioner is that after the death of the permit holder on 14.03.2020, the 5th and 6th respondents, taking advantage of the pandemic situation, seems to have approached the first and second respondents and sought for a permit for running the vehicle and the 5th respondent had also filed a writ petition before this Court in W.P.No.9390 of 2020 without revealing the entire facts and had obtained an order dated 20.07.2020 wherein a direction was given to the authorities to grant a temporary permit in his name, till the orders are passed in his application seeking for transfer of permit. According to the petitioner, this order was obtained by the fifth respondent behind the back of the other legal heirs and without revealing the entire facts of the case before this Court.

4. The petitioner, thereafter, made an application on 10.11.2020 seeking for transfer of permit and the same was not entertained by the first and second respondents. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard Mrs.Radha Gopalan, learned counsel for the petitioner and Mr.Mani Gopi, learned Government Advocate, appearing on behalf of respondents 1 and 2.

6. It is clear from the records that the 5th respondent has already given an application before the first and second respondents seeking for the transfer of permit and the same is pending. The petitioner has also filed an application seeking for transfer of permit. Therefore, both the applications are now pending before respondents 1 and 2. The petitioner wants a

direction from this Court to respondents 1 and 2 to consider both the applications and pass orders within the time limit fixed by this Court. The petitioner has also sought for a direction that till the final orders are passed by the first and second respondents, there must be no more extension of temporary permit since it goes against the right and interest of the petitioner.

7. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the first and second respondents to consider the applications for transferring the permit submitted by both the petitioner as well as the fifth respondent and deal with the same together in accordance with law. The respondents 1 and 2 shall issue notice to all the legal heirs before passing a final order in the applications seeking for transfer of permit. It is also made clear that the first and second respondents shall pass final orders within a period of four weeks from the date of receipt of a copy of this order. There shall also be a direction to the first and second respondents not to issue any further temporary permit till final orders are passed on the applications seeking for transfer of permit.

8. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1. The Regional Transport Authority,
Tiruvannamalai.

2. The Regional Transport Officer,
Tiruvannamalai.

+1 cc to M/s.S.Radha Gopalan,Advocate Sr.No. 40984

+1 cc to The Government Pleader, Sr.No. 40944

W.P.No.18324 of 2020
and
WMP.No.22703 of 2020

JP (CO)
RMP (18/12/2020)