

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 2969 of 2021
and W.M.P.No.3332 of 2021

D.Naveen Kumar

.. Petitioner

vs.

1. The Regional Transport Authority,
Vellore District, Vellore.

2. The Secretary,
Regional Transport Authority,
Vellore District, Vellore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to consider the application of the petitioner dated 24.12.2020, received by the office of the 2nd respondent on 27.12.2020 for transfer of permit from the name of the deceased permit holder Tmt.Dhanabakkiammal to the name of the petitioner in respect of stage carriage bearing Regn.No.TN23 AJ 3555, permitted to ply on the route Vellore to R.K.Pet (via) Vallimalai and Sholingur.

For Petitioner : Mr.M.Palani
For Respondents : Mr.Annai Ezhil
Government Advocate

ORDER

Seeking a direction to the first respondent to consider the application of the petitioner dated 24.12.2020, received by the office of the 2nd respondent on 27.12.2020 for transfer of permit from the name of the deceased permit holder Dhanabakkiammal to the name of the petitioner in respect of stage carriage bearing Regn.No.TN23 AJ 3555, permitted to ply on the route Vellore to R.K.Pet (via) Vallimalai and Sholingur, the present writ petition has been filed.

2.The case of the petitioner is that his father was having two wives and he is the son born though the second wife. The first wife Dhanabakkiammal died issueless on 27.05.2018. Even during the life time of his father, the said Dhanabakkiammal executed a Will dated 16.07.2010 bequeathing all her property including the stage carriage permit mentioned above in favour of

the petitioner. Based on the Will, the petitioner made an application for transfer of permit in his name but the same has not been considered by the respondents. Hence he has approached this Court with this writ petition.

3.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

4.Learned Government Advocate appearing for the respondents submits that there are two persons claiming right over the vehicle and therefore, they have suggested the petitioner to get a legal heir certificate.

5.The petitioner is claiming right over the vehicle based on the Will executed by the owner of the vehicle Dhanabakkiammal (since deceased) and therefore, the question of legal heir certificate does not arise in this case. Therefore, the respondent shall consider the case of the petitioner and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Regional Transport Authority,
Vellore District, Vellore.

2. The Secretary,
Regional Transport Authority,
Vellore District, Vellore.

+1cc to Mr.M.Palani, Advocate, S.R.No.17023.

+1cc to the Government Pleader, S.R.No.17327.

W.P.No.2969 of 2021

PL(CO)
CSR 01.04.2021