

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM

THE HON'BLE MR.JUSTICE B. PUGALENDHI

WP No.4305 of 2021

M. Senthil Kumar

...Petitioner

Vs.

1. The Regional Transport Office,
The Office of the Regional Transport Officer,
Tiruppur (North)
Tiruppur District.
2. The Regional Transport Officer,
The Office of the Regional Transport Officer,
Pelamedu,
Coimbatore District.
3. The Branch Manager
Karur Vyasaya Bank,
No.351/1P, Avinashi Salai,
Annur Town, Annur Taluk,
Coimbatore.
4. Velangiri

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to consider the petitioner's representation dated 22.12.2020 and direct the 1st and 2nd respondents to renewal the Fitness Certificate of the Commercial vehicle bearing Registration Number TN 37 CL 0145 (Tourist Maxi Cab).

For Petitioner : Mr.S.Vinoth Kumar

For Respondents : Mr.D.Venkatesan

Govt. Advocate for R1

Mr.A.Ilangovan for R3

ORDER

The writ petition is filed for the issuance of a mandamus to consider the petitioner's representation dated 22.12.2020 and direct the 1st and 2nd respondents to renew the Fitness Certificate of the Commercial vehicle bearing Registration Number TN 37 CL 0145 (Tourist Maxi Cab).

2. The case of the petitioner is that he purchased a Tourist Maxi Cab bearing Registration No.TN 37 CL 0145 from the fourth respondent. It appears that the fourth respondent purchased the said vehicle by obtaining loan from Karur Vyasaya Bank and after repaying the entire loan amount and removing the hypothecation on 18.02.2016 reflected in the RC Book sold it to the petitioner. Thereafter the petitioner obtained Fitness Certificate for the period from 17.03.2016 to 04.05.2020. However, when he applied for fitness certificate for the current year the same was not considered by the first respondent since the second respondent had received objections from the third respondent. Hence, the above writ petition.

3. Mr.Venkatesan, learned Government Advocate produced before this Court a written instructions received from the Regional Transport Office, North Tirupur, and submitted that since the petitioner had not paid a sum of Rs.400/- which is due to be paid by him to the Transport department his vehicle was black listed and now that the petitioner has paid the amount on 04.03.2021 for the vehicle bearing Registration No.TN39D2103000053, the said vehicle has been removed from the black list.

4. In view of the submission made by the learned Government Advocate, based on the written instruction, this writ petition is allowed with a direction to the respondents to issue Fitness Certificate to the petitioner.

5. Mr.Elangovan, learned counsel for the third respondent/Bank though raised an objection that the dues to the Bank have not been cleared by the petitioner, the learned counsel for the petitioner submitted that the loan has been settled by the petitioner and relied upon the endorsement made by the third respondent Bank in the RC book to that effect. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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+2 CCS to Mr.A.Ilangovan, Advocate sr 15026.

+1 CC to The Government Pleader sr 15160.

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AJB(CO)
SP(15/04/2021)



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