

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.8690 of 2021

M/s. Brinks India Private Limited.,
rep. By its Assistant Manager,
Mr. Venkatesan Davaseelan,
son of Venkatesan,
No.17/19, Habibullah Road,
Opp. Nadigar Sangam,
T. Nagar, Chennai 600 07.Petitioner

Vs.

- 1.The Secretary to the Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Regional Transport Officer,
Office of the Regional Transport Office,
Vellore.
3. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Thaiyar Kulam,
Kancheepuram 631 501,
4. Inspector of Police, सत्यमेव जयते
Sunguvachatram Police Station,
Kancheepuram 602 106. ... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondent No.2 to Re-Register the vehicle "Ashok Leyland Dost" (CASH VAN) bearing Registration No.MH-48-AY-0783 by them without insisting for a final report or No Objection by the Respondent No.4 in light of Section 48(4) of the Motor Vehicle Act, 1988.

For Petitioner : Mr. K.R.Ramesh Kumar
For Respondents: Mr. P. Chinnadurai,
Addl. Govt. Pleader,

R1 to R4

O R D E R

The petitioner has filed this Writ Petition seeking a Mandamus directing the second respondent to re-register the vehicle "Ashok Leyland Dost" (CASH VAN) bearing Registration No.MH-48-AY-0783 belonging to them, without insisting a final report or No Objection from the fourth respondent, in the light of Section 48(4) of the Motor Vehicles Act, 1988.

2.It is the case of the petitioner that they are carrying on the business of transportation of cash for feeding the same in Automatic Teller Machine (ATM) on the request made by the Banks. On 05.07.2018, during the course of such business, the petitioner's vehicle Ashok Leyland Dost (cash van) bearing Regn.No.MH 48 AY 0783 was involved in an accident, due to which, a FIR in Crime No.227 of 2018 on the file of Sunguvarchatram Police Station, was registered against the driver of the vehicle for the alleged offences under sections 279 and 337 IPC. Subsequently, the driver of the vehicle was granted bail and the records pertaining to the vehicle were submitted to the fourth respondent, who is the investigating Officer. It is the further case of the petitioner that they decided to ply the subject vehicle in the State of Tamil Nadu, for which, they approached the Regional Transport Officer at Mumbai and obtained no objection certificate for re-registration of the vehicle. Subsequently, the petitioner submitted the application form with necessary fee to the Regional Transport Officer at Vellore / second respondent on 09.09.2019, which was not considered. On enquiry, the petitioner came to know that the second respondent refused to re-register the vehicle on the ground that the same was involved in Crime No.227 of 2018 and the investigation is pending. The second respondent further directed the petitioner to produce final report or no objection certificate from the fourth respondent in this regard. Stating that as per Section 48(4) of the Motor Vehicles Act, the second respondent ought to have re-registered the vehicle, without insisting no objection certificate, the petitioner made a representation dated 11.01.2020 to the respondents requesting to consider their claim. Finding no response on the same, they have come up with this writ petition for the aforesaid relief.

3. Today, when the matter was taken up for consideration, Mr.P.Chinnadurai, learned Additional Government Pleader taking notice for the respondents, on instructions, submitted that after investigation, charge sheet was filed before the concerned Jurisdictional Court and hence, the second respondent is now inclined to pass necessary orders, on the representation of the petitioner, as per law.

4. The aforesaid submissions made by the learned Additional Government Pleader appearing for the respondents are recorded. Accordingly, this writ petition stands disposed of, directing the second respondent to pass appropriate orders, with regard to the claim of the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Secretary to the Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Regional Transport Officer,
Office of the Regional Transport Office,
Vellore.
3. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Thaiyar Kulam,
Kancheepuram 631 501,
4. The Inspector of Police,
Sunguvachatram Police Station,
Kancheepuram 602 106.

+1cc to Mr.K.Ramesh Kumar , Advocate SR.No. 25290

+1 cc to Government Pleader Sr.No. 25697

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SRA(CO)

A.SK(12.07.2021)

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