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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.19437 OF 2021

K.Suganthi

...Petitioner

-Vs-

1. The State Transport Authority
District Collectors Office
Salem
Salem District.
2. The Regional Transport Officer
R.T.O. Office, Attur
Salem District.
3. Sudha
4. Sundari

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents directing the 2nd respondent herein to take back the petitioner's application for renewal of permit in respect of vehicle bearing Registration No. TN-77-H-2711 plying on the route Attur to Unatur, in the light of her representation dated 26.08.2021, and pass orders renewing the permit beyond 21.09.2021, within the stipulated period as may be fixed by this Honble Court.



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For Petitioner : Mr.R.Sundar

For Respondents : Mr.U.Baranidharan
Government Advocate
for R 1 and R 2

Mr.L.Rajendran
for R 3

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the second respondent to take back the application filed by the petitioner for renewal of the permit and pass appropriate orders within the time stipulated by this Court and extend the permit beyond 21.09.2021.

2.When the matter came up for hearing on 20.09.2021, this Court passed the following order:

The order passed by this Court in WP No.34207 of 2018, dated 03.04.2019 is an exhaustive order, which balances the rights of the parties and also gives clear indications to the authorities to transfer the permit in the name of the petitioner. The petitioner has also been directed to give an affidavit of undertaking before the Authority and also deposit 50% of the Net profit of the income derived from the Stage Carriage/ Vehicle in the pending suit. This Court has also further directed that if the petitioner fails to comply with the condition, the contesting respondents have been given the liberty to move the authority for cancellation of permit.

2. In view of the above order, it is not necessary for the respondents to conduct any further enquiry and it is enough if the above order is complied with and reported before this Court. It is brought to the notice of this Court that the permit is expiring tomorrow. Therefore, the 2 nd respondent shall strictly comply with



5. Post this case under the caption "For Reporting Compliance" on 20.10.2021.

4. Thereafter, the matter was taken up for hearing on 20.10.2021 and this Court passed the following order:

The learned Government counsel submitted that pursuant to the orders passed by this Court on 27.09.2021, the Regional Transport Officer, Attur, viz the 2nd respondent has already passed an order transferring the permit in the name of the petitioner on 18.10.2021 and the files have been placed before the 1st respondent for approval. The learned Government counsel submitted that the 1st respondent will pass appropriate orders within a period of one week.

2. In view of the above development, post this case under the same caption on 28.10.2021. In the meantime, the existing permit shall be valid up to 28.10.2021.

5. When the matter was taken up for hearing today, the learned Government Counsel submitted the proceedings of the Regional Transport Authority, Attur Region, Salem District dated 26.10.2021. The operative portion of the order is extracted hereunder:

"Hence I, the Regional Transport Authority, Attur Region, Salem (D.t) in exercise of the powers conferred on me under Section 82(2) and (3) of Motor Vehicles Act 1988 do hereby order to transfer the permit in respect of stage carriage TN77H 2711 plying on the route Attur to Unathur (Via) Thalaivasal, Manivilunthan, Ex-Servicemen Colony, Navakurichi, Siruvachur and Veppanatham from the name of the deceased Thiru.S.Kumarasamy, S/o.Sivaprakash Prop.Ravikumar Bus Service, Nehru Nagar Attur to be name of Tmt.K.Sugamthi, D/o (Late) S.Kumarasamy, 27 Nehru Nagar, Attur as per the directions of the Honourable High Court of Madras in W.P.No.34207 of 2018 dated 30.04.2019



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and in W.P.No.34207 of 2018 dated 30.04.2019 and in W.P.No.19437 of 2021 dated 20.09.2021. The above transfer of permit is allowed subject to the following conditions:-

1)This Order is subject to the outcome of the O.S.No.40/2013 pending before the subordinate Judge Court, Attur.

2)50% of the Profit of the income would be deposited in respect of OS.No.40/2013 for each month.

3)It is the responsibility of the parties concerned in the suit to move the authority in case it is failed to deposit 50% of the Profit so as to cancel the permit.

The transferee is directed to forward within for months from the date of receipt of the order sanctioning the transfer, the permit and the certificate of registration of the Vehicle TN77H 2711 with the particulars of transfer of ownership of the vehicle together with valid fitness certificate, Insurance certificate, valid pollution control certificate and proff for payment a current tax under Tamilnadu Motor Vehicles Taxation Act 1974 failing which this Authority shall revoke the above orders of sanction.

6.In view of the above, the grievance expressed by the petitioner has been redressed and this writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

KP



To

1. The State Transport Authority
District Collectors Office
Salem
Salem District.

2. The Regional Transport Officer
R.T.O. Office, Attur
Salem District.

+1cc to Mr.R.Sundar, Advocate, S.R.No.55812

+1cc to the Government Pleader, High Court, Madras, S.R.No.56176

W.P.No.19437 of 2021

BR(CO)
RLP(17/11/2021)