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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.24065 of 2021

C.Mohammed Ilyas

..Petitioner

Vs

1.The Commissioner,  
Transport Department,  
Ezhilagam, Chepauk,  
Chennai - 600 005.

2.The Regional Transport Officer,  
Meenambakkam at Alandur,  
Chennai - 600 016.

3.T.Rajeshwari

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent herein to consider and pass orders on the petitioner's representation dated 15.03.2021 and pass appropriate orders by providing an opportunity to the petitioner.

For Petitioner : Mr.S.Thirumavalavan

For Respondents 1 & 2 : Mrs.Akila Rajendran  
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the 2nd respondent to consider and pass orders on the petitioner's representation dated 15.03.2021 and pass appropriate orders by providing an opportunity to the petitioner.

2. It is the case of the petitioner that the petitioner is the owner of the vehicle Mahindra Scorpio with Registration No.TN 09 AJ 7863 and the said vehicle had been parked in a place called SIS Meridan Apartments where the petitioner's brother is having a flat and the said vehicle, according to the petitioner, had not been put to use for sometime past.



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3. It is the further case of the petitioner that, the petitioner's brother is in abroad and his wife also had been in outstation for sometime. In the meanwhile, when the petitioner came to know that the said vehicle parked therein had been stolen by somebody and after prolonged verification and search, the petitioner was able to find out that the 3rd respondent one T.Rajeshwari in whose name the vehicle has already been transferred without the consent of the petitioner and in this regard, though the petitioner had made some attempt with the 2nd respondent i.e., the Regional Transport Officer to get the details as to how the vehicle in question has been transferred to a third party i.e., the 3rd respondent without the consent of the petitioner, according to the petitioner, there had been no proper reply and in this regard, though the petitioner has given a detailed representation to the respondents on 25.03.2021 where his earlier complaint dated 15.03.2021 also had been annexed, however, so far no clue has come and even the said request made by the petitioner has not been decided or disposed of by the second respondent, hence, the petitioner has filed the present writ petition with the aforesaid prayer.

4. Heard the learned counsel appearing for the petitioner, who having reiterated the aforesaid, would seek indulgence of this Court to issue a direction to the 2nd respondent to decide the petitioner's representation on merits and in accordance.

5. In view of the order that are going to pass herein, the notice to the 3rd respondent is hereby dispensed with.

6. Heard Mrs.Akila Rajendran, learned Government Advocate appearing for respondents 1 and 2, who, on instruction, would submit that, the said representation submitted by the petitioner on 15.03.2021 as well as 25.03.2021 are still with the 2nd respondent and therefore, the 2nd respondent is ready and willing to dispose of the same, of course, after giving an opportunity of being heard to both the petitioner as well as the 3rd respondent on merits and in accordance with law within a time frame that may be stipulated by this Court.

7. Considering the said stand taken by the official respondents through the learned Government Advocate, as stated supra, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 2nd respondent to consider the representation of the petitioner dated 25.03.2021 along with his earlier representation dated 15.03.2021 and decide the same after conducting an enquiry by giving separate notice to both the petitioner as well as the 3rd respondent. The needful, as indicated above, shall be undertaken by the 2nd respondent in passing the



final order on the said representation, as indicated above, within a period of four weeks from the date of receipt of a copy of this order.

8. With this direction, the Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Sgl

To

1.The Commissioner,  
Transport Department,  
Ezhilagam, Chepauk,  
Chennai - 600 005.

2.The Regional Transport Officer,  
Meenambakkam at Alandur,  
Chennai - 600 016.

+1cc to Mr.S.Thirumavalavan, Advocate SR. No.58434  
+1cc to the Government Pleader SR. No. 58539

W.P.No.24065 of 2021

VBM (CO)  
PR (29/11/2021)