



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.395 of 2021

and

C.M.P. (MD)No.1446 of 2021

1.The District Collector-cum-The Regional
Transport Authority,
Sivagangai.

2.The Regional Transport Officer,
Sivagangai.

3.The Inspector of Police,
Keelavalavu Police Station,
Madurai.

... Appellants/Respondents

Vs.

K.Murugesan

... Respondent/Writ Petitioner

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.(MD)No.12245 of 2020, dated 30.09.2020.

Prayer in WP(MD). 12245 of 2020 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, to call for the records of the impugned order of the 1st respondent vide P.R.No.20387/A3/2020 dated Nil.09.2020 and to quash the same and further to direct the respondents to grant the replacement of Vehicle bearing Registration No. TN 59 AF 1614 with Vehicle bearing Registration No. TN 51 K 0715 in respect of the stage carriage permit of the petitioner on the route Madurai to Kalaiyarkoil.

For Appellants : Mrs.J.Padmavathi Devi
Special Government Pleader

For Respondent : Mr.S.Govindraman

* * * * *



JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellants against the order of the learned Single Judge, setting aside the impugned order and directing appellant Nos.1 and 2 to permit the respondent to replace the old vehicle, bearing Registration No.TN-59-AF-1614 with the new one, bearing Registration No.TN-51-K-0715, in respect of the stage carriage permit of the respondent.

2.The learned Special Government Pleader appearing for the appellants submitted that if any such permission is given, it will be contrary to the order of the learned Judicial Magistrate, Melur, not to alter, mortgage, sell or in any other manner transfer or encumber the vehicle till the disposal of the criminal case, and in any case, if the permit is likely to be transferred to the new vehicle, the respondent cannot be permitted to use the old vehicle.

3.We do not find any merit in this appeal, particularly, in view of the submission made by the learned counsel appearing for the respondent that the very same permit will not be used for the old vehicle and the said vehicle will be kept in idle and the respondent will also not alienate the same.

4.In view of the said submission, the order of the learned Single Judge does not require any interference. In fact, the order will enure the benefit of not only the respondent, but also the general public. In any case, if the permit is likely to be transferred to the new vehicle, the old vehicle cannot be used as stated by the learned Special Government Pleader.

5.This Writ Appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

smn2

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To

1.The District Collector-cum-The Regional
Transport Authority,
Sivagangai.

2.The Regional Transport Officer,
Sivagangai.

3.The Inspector of Police,
Keelavalavu Police Station,
Madurai.

+1 CC to M/s.S.GOVINDARAMAN, Advocate SR-11273[F] dated 16/03/2021

+1 CC to M/s.SPL GP (SR-11521[F] dated 16/03/2021)

W.A. (MD) No. 395 of 2021
15.03.2021

na (CO)

TR(07.04.2021) 3P 6C