



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6612 of 2021

WEB COPY

M.Thavaselvam

... Petitioner

-Vs-

1.The District Collector cum
The Regional Transport Authority,
Madurai.

2.The Regional Transport Officer,
Madurai(North) .

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent vide Na.Ka.No.16324/A2/2021, dated Nil /03/2021and to quash the same and further to direct the respondents 1 and 2 to grant replacement of the existing stage carriage vehicle bearing Registration No.TN 59 AL 4685 with vehicle bearing Registration No.TN 59 BX 7499 with regard to the stage carriage permit of the petitioner on the route Madurai to Kallal.

For Petitioner : Mr.S.Govindaraman
For Respondent : Mr.B.Bhagawathi
Government Advocate

ORDER

Heard the learned counsel on either side. With the consent of learned counsel on either side, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is a stage carriage operator. The petitioner has been using the petition mentioned stage carriage for plying on the route Madurai to Kallal. The petitioner wants to replace the same. In this regard, he gave an application under Section 83 of the Motor Vehicles Act r/w Rule 201 of the Motor Vehicles Rules. The petitioner's request was not accepted and by the impugned communication, the petitioner's application was also returned. The same is questioned in this writ petition.



3.The learned Government Advocate informed the Court that the vehicle in question is involved in Crime No.175 of 2012 registered on the file of the Inspector of Police, Keelavalavu Police Station, Madurai. Interim custody has been granted to the petitioner on certain terms and conditions. If the vehicle is allowed to be replaced, the order passed by the Judicial Magistrate, Melur, will be violated.

4.I am not impressed with the said objection. As rightly pointed out by the learned counsel for the petitioner, similar issue arose before me in W.P.(MD)No.12245 of 2020 and vide order dated 30.09.2020, I had permitted the replacement of the vehicle after recording the undertaking of the petitioner that the vehicle will be kept idle and that it would not be alienated and he would continue to pay idle tax. The replacement was permitted as it would enure to the benefit of the travelling public. The learned counsel for the petitioner comes forward to give a similar undertaking in this case also.

5.I must also note that the order passed by me was put to challenge before the Hon'ble Division Bench in W.A.(MD)No.395 of 2021 and by order dated 15.03.2021, the order passed by this Court was confirmed. Therefore, in view of the same, the order impugned in the writ petition is set aside. The respondents 1 and 2 are directed to permit the petitioner to replace the petition mentioned vehicle.

6.The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector cum
The Regional Transport Authority,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Regional Transport Officer,
Madurai(North) .

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

WEB COPY

+1 CC to M/s.S.GOVINDRAMAN, Advocate (SR-13166[F] dated
24/03/2021)

+1 CC to M/s.SPL GP (SR-13583[F] dated 25/03/2021)

W.P. (MD)No.6612 of 2021

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RK (20.04.2021) 3P 6C