



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.8079 of 2021
(Through Video Conference)

WEB COPY

A.Murugaiah

...Petitioner

Vs.

1) The Regional Transport Authority,
Sankarankovil,
Tirunelveli District.

2) The District Revenue Officer,
Tirunelveli.

3) The District Revenue Officer,
Tenkasi.

4) The Inspector of Police,
C.S.C.I.D., Tirunelveli.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to return the original Registration Certificate pertaining to the Lorry bearing Reg.No.TN-30-R-4168 to enable the petitioner to get Goods carriage permit from the 1st respondent.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Ms.M.Rajeswari,
Government Advocate

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the third respondent to return the original Registration Certificate (hereinafter referred as 'RC') pertaining to the vehicle belonging to the petitioner, in order to enable the petitioner to get the 'Goods Carriage Permit' from the first respondent.

2. The case of the petitioner is that his vehicle was seized on the ground that the vehicle was transporting PDS rice illegally. The confiscation proceedings were also initiated and fine was imposed against the petitioner. The petitioner aggrieved by the same, filed a writ petition in W.P.(MD) No.3563 of 2018 before this Court. The said writ petition was disposed of by granting liberty to the petitioner to file an appeal before the concerned Court.

3. Pursuant to the above order, the petitioner filed an appeal before the IV Additional Sessions Court, Tirunelveli in C.A.No.44 of 2019. The Appellate Court was pleased to set aside the order of



confiscation and the matter was remitted back before the concerned Authorities to pass fresh orders. According to the petitioner, till date, no orders have been passed by the concerned Authority.

4. It is stated that the Goods Carriage Permit that was issued for the vehicle expires on 05.06.2021. The petitioner has to therefore produce the vehicle along with the original RC to renew the permit. According to the petitioner, the original RC was seized by the second respondent. Subsequently, Tirunelveli district was bifurcated and the Taluk pertaining to the petitioner fell within the jurisdiction of Tenkasi District. The files from the second respondent was also forwarded to the third respondent.

5. The petitioner made a representation to the third respondent requesting for the return of the original RC book to enable him to get the renewal of the Goods Carriage Permit. Even in the representation, the petitioner gave a specific undertaking that he will produce the original RC Book before the third respondent after the renewal of the permit. The grievance of the petitioner is that the third respondent has not acted upon the representation and left with no other alternative, the present writ petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr.T.Lenin Kumar, learned counsel for the petitioner and Ms.Rajeswari, learned Government Advocate for the respondents.

7. Taking into consideration the facts and circumstances of the case, there shall be a direction to the third respondent to act upon the representation made by the petitioner on 12.04.2021 and hand over the original RC Book to the petitioner, after getting an undertaking from the petitioner that the same will be surrendered before the third respondent after getting the renewal of the 'Goods Carriage Permit'. The petitioner, shall thereafter approach the first respondent and get the permit renewed. Thereafter, the original RC Book shall be handed over to the third respondent.

8. The petitioner is directed to make a fresh representation to the third respondent alongwith all the relevant documents and also a copy of this order.

9. This Writ Petition is disposed of with the above directions. No costs.

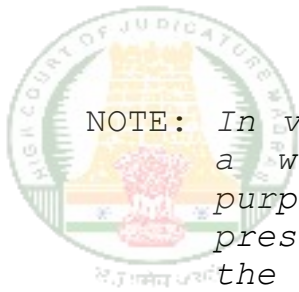
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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:

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- 1) The Regional Transport Authority,
Sankarankovil,
Tirunelveli District.
- 2) The District Revenue Officer,
Tirunelveli.
- 3) The District Revenue Officer,
Tenkasi.
- 4) The Inspector of Police,
C.S.C.I.D., Tirunelveli.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-16674[F] dated 20/04/2021)

+1 CC to M/s.SPL GP (SR-16750[F] dated 20/04/2021)

Order made in
W.P. (MD) No.8079 of 2021

Dated:
19.04.2021

RK (29.04.2021) 3P 7C