



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.18494 of 2020

(Through Video Conference)

WEB COPY

Ramesh Pandiyan

... Petitioner

Vs.

1.Transport Commissioner,
Transport Department,
Eqhilagam,
Chennai.

2.Regional Transport Officer,
Dindigul.

3.Kani Choice Automotive,
Rep., its Proprietor,
122/7A, Palani - Karur Bye Pass Road,
Meenakshinayakkanpatti,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to conduct enquiry under the Central Motor Vehicle Rules 39 to 44 for cancellation of licence against the 3rd respondent by giving opportunity to the parties within a time frame to be fixed by this Court.

For Petitioner
For R-1 & R-2

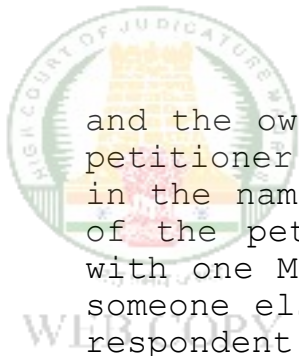
: Mr.RM.Arun Swaminathan
: Mr.P.Thilak Kumar,
Standing Counsel for Government

O R D E R

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the 2nd respondent to conduct enquiry under the Central Motor Vehicle Rules 39 to 44, for cancellation of licence against the 3rd respondent by giving opportunity to the parties, within a stipulated time.

2. The brief facts of the case are as follows:

(i)The petitioner is running a Bakery and according to him, the sales representative of the third respondent/Dealer had approached him to purchase a JCB and the petitioner has also agreed to book the same. Hence, the petitioner had given his documents for registration and put signatures. However, the sales representative



and the owner of the third respondent misused the signatures of the petitioner and obtained loan from Shriram Transport Finance Limited in the name of the petitioner and purchased the vehicle in the name of the petitioner. Now, the engine of the vehicle is registered with one Mill from Uttar Pradesh. Chasis number is registered with someone else. Further, without registering the vehicle, the third respondent has delivered the vehicle to someone else and the documents are in the name of the petitioner. According to the petitioner, this is apparent violation of the Central Motor Vehicle Rules and the authorities misused the power under the Central Motor Vehicle Rules.

(ii) The petitioner would further state that the second respondent is the competent authority to cancel the licence, if any dealer has violated the Rules and therefore, he made a representation before the respondents 1 and 2 on 10.11.2020, requesting to cancel the licence of the third respondent. After receipt of such representation, the first respondent forwarded the same to the Regional Transport Officer, Trichy, who in turn, forwarded the same to the second respondent, which is still pending till date without any consideration. Hence, this writ petition.

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q 3.The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the representation of the petitioner.

4. The learned Standing Counsel for the respondents 1 and 2 would state that the representation of the petitioner would be considered within a reasonable time.

5. Considering the limited scope of the prayer sought for in this writ petition, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the second respondent is directed to consider the representation of the petitioner dated 10.11.2020, on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. Such exercise shall be done after giving due opportunity to the petitioner as well as all the persons concerned.

6.With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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.Transport Commissioner,
Transport Department,
Eqhilagam,
Chennai.

2.Regional Transport Officer,
Dindigul.

+1 CC to M/s.SPL GP (SR-20055[F] dated 23/06/2021)

W.P (MD) No.18494 of 2020

22.06.2021

KK(30.06.2021) 3P 4C