



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]Nos.20754 to 20758 of 2021

and

W.M.P.[MD]Nos.17368 to 17377 & 17379 of 2021

I.Parveen Banu ... Petitioner in W.P.[MD]No.20754/ 2021

Zaidh Ahamed.I

Rep., by His Mother and Natural Guardian,

I.Parveen Banu, No.601, West 2nd Cross Street,

K.K.Nagar, Madurai, Madurai District.

... Petitioner(s) in WP(MD). 20755/ 2021

Parveen Banu.I W/o. Imam Hussain,

No.601, West 2nd Cross Street,

K.K. Nagar, Madurai, Madurai District

... Petitioner(s) in WP(MD). 20756/ 2021

I.Abubakkar Rep by His Mother and Natural Guardian ,

I.Parveen Banu , No.601, West 2nd Cross Street ,

K.K.Nagar , Madurai , Madurai District .

... Petitioner(s) in WP(MD). 20757/ 2021

I.Jabir Rep by His Mother and Natural Guardian ,

I.Parveen Banu , No.601, West 2nd Cross Street ,

K.K.Nagar , Madurai , Madurai District .

... Petitioner(s) in WP(MD). 20758/ 2021

Vs.

1.The Regional Transport Authority / District Collector,

District Collectorate Campus,

Madurai,

Madurai District.

2.The Regional Transport Officer,

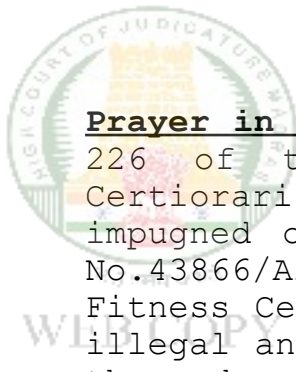
O/o. The Regional Transport Office,

Madurai North Regional Transport Office,

Madurai,

Madurai District.

... Respondents in all W.P's



Prayer in WP(MD). 20754 of 2021 : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings No.43866/A2/2020 dated 12.10.2021 insofar as the production of Fitness Certificate and Insurance Certificate and quash the same as illegal and consequentially to direct the first respondent to issue the order of renewal of permit of the Stage Carriage/Minibus bearing Registration No.TN67 J 1999 without insisting Fitness Certificate and Insurance Certificate in terms of Advisory Letter issued by the Ministry of Road Transport and Highways, New Delhi vide its Letter No.RT-11036/352020 dated 30.09.2021 within the period that may be stipulated by this Court.

Prayer in WP(MD). 20755 to 20758 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of CERTIORARIFIED MANDAMUS calling for the records relating to the impugned order passed by the 1st Respondent in his proceedings No.27578,45141,43867,27529/A2/2020 dated 12.10.2021 respectively, in so far as production of Fitness Certificate and Insurance Certificate and quash the same as illegal and consequentially to direct the 1st Respondent to issue the order of renewal of permit of the Stage Carriage / Minibus bearing Registration No.TN 59 Q 9495,TN 57 E 2901, TN 67 K 1999, TN 59 F 0117 respectively without insisting Fitness Certificate and Insurance Certificate in terms of Advisory Letter issued by the Ministry of Road Transport and Highways, New Delhi vide its Letter No. RT-11036/352020 date 30.09.2021 within the period that may be stipulated by this Honble Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents 1 & 2 : Mr.S.R.A.Ramachandran
Additional Government Pleader
[In all Writ Petitions]

COMMON ORDER

Mr.C.Venkatesh Kumar of M/s.Ajmal Associates (Law Firm), Counsel on record for the writ petitioners in the captioned five main writ petitions is before this Court.

2.After some arguments, it came to light that the two certificates which are critical are Fitness Certificate and Insurance Certificate. The five writ petitions are posited on an Advisory issued by the Ministry of Road Transport and Highways, New Delhi dated 30.09.2021, bearing reference Letter No.RT-11036/352020 [hereinafter 'said advisory' for the sake of convenience and clarity]. The said advisory *inter alia* talks about six earlier



advisories and five kinds of documents. It also talks about the expiry of those documents since 01.02.2020 or those that would expire on 31.10.2021.

3.To be noted, said advisory is dated 30.09.2021 and therefore, 31.10.2021 is a futuristic date.

4.After some arguments, it came to light that the date of expiry of the Fitness Certificates and Insurance Certificates are all too critical. The date of expiry going by the copies in the typed set and the averments in the affidavit run contrary to each other. As far as the Insurance Certificates are concerned, the last Insurance Certificate that was renewed has not been placed before this Court.

5.Faced with the above situation, more particularly because the averments in the affidavit run contrary to the documents in the typed set of papers, learned Counsel sought leave to withdraw the captioned writ petitions but made a fervent plea to preserve the rights of the writ petitioners to file fresh writ petitions on the same cause of action ie., with the same or similar prayers after making correct averments and enclosing correct documents that are necessary to examine the writ petitions and the prayers therein. Request acceded to.

6.Mr.S.Mohamed Suhail of M/s.Ajmal Associates (Law Firm) who is present in this Court has made an endorsement, which reads as follows:

"May permit to withdraw the writ petition."

7.Captioned five writ petitions and captioned writ miscellaneous petitions are dismissed as withdrawn, albeit preserving the rights of the writ petitioners in the aforesaid manner. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

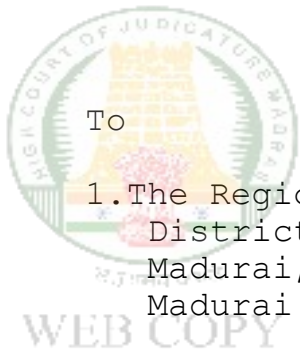
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/ /2021

Sub Assistant Registrar(CS)

MR

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 Regional Transport Authority / District Collector,
District Collectorate Campus,
Madurai,
Madurai District.

2.The Regional Transport Officer,
O/o. The Regional Transport Office,
Madurai North Regional Transport Office,
Madurai,
Madurai District.

+1 CC to M/s.SPL GP (SR-35455[F] dated 23/11/2021)

W.P.[MD]Nos.20754 to 20758 of 2021
22.11.2021

RD(02.12.2021) 4P 4C