



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.11119 & 11120 of 2006

and

M.P.Nos.12682 & 12684 of 2006 and 7 of 2012

1.N.Murugesan ... Petitioner in W.P.No.11119 of 2006
2.N.Chinna Gounder ... Petitioner in W.P.No.11120 of 2006

Vs.

1.The Revenue Divisional Officer,
Tiruppur.

2.The Regional Transport Officer,
Tiruppur.

... Respondents is both W.Ps.

Common Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the 1st respondent made in Na.Ka.No.6697/2004/A1 dated 31.12.2005 and quash the same.

For Petitioner : Mr.M.Palani
(in both W.Ps)

For Respondents: Mrs.C.Meera Arumugam
(in both W.Ps) Additional Government Pleader

COMMON ORDER

By this common order, both these writ petitions are taken up for final disposal.

2.After hearing the learned counsel for the petitioner and the respondents, I am inclined to allow this writ petition in the light of the order passed by this Court on 21.11.2017 in a batch of writ petitions in W.P.Nos.7232, 9370, 9371, 10531 and 11834 of 2006 in the case of Tvl.Sri.Kamadhenu Transports, Rep by its Partner M.Semburaj and others Vs. The Revenue Divisional Officer, Tiruppur and another. The operative portion of the order reads as under:-



WEB COPY

"8.This Court has gone through the rival submissions of the learned counsel appearing for the parties. After perusing the material and pleadings placed on record, this Court is of the view there is considerable force in the contention of the learned counsel appearing for the petitioner that the impugned proceedings of the first respondent dated 31.12.2005 is without authority of law, as the first respondent is not vested with the power under the provisions of the Motor Vehicles Act/Rules. Therefore, the impugned action by the first respondent is without any jurisdiction and the same is liable to be interfered with.

9.Moreover, even assuming that resolution dated 31.12.2005 is only consequential action in pursuance of proceedings of the second respondent dated 27.06.2003 and 29.07.2003, the said proceedings of the second respondent having been set aside by this Court, in the recent order dated 07.09.2017 in the aforementioned batch of the writ petitions, the impugned order cannot independently stand. Hence, even on this ground, the impugned order is liable to be interfered with.

10.For the aforesaid reasons, this Court has no hesitation in allowing the writ petitions. The impugned order passed by the first respondent in Na.Ka.No.6697/2004/A1 dated 31.12.2005 is here by set aside. Accordingly, the writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed."

3.Yet another decision of this Court in the batch of writ petitions dated 10.04.2018 made in W.P.Nos.10454 to 10457 of 2006 in the case of R.Subramaniam and others Vs. The Revenue Divisional Officer and another, this Court passed the orders on the same line.

4.Considering the above, these writ petitions stand allowed in terms of the orders passed by this Court in the above cited cases. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jas



To

1.The Revenue Divisional Officer,
Tiruppur.

2.The Regional Transport Officer,
Tiruppur.

+1 cc to Mr.M.Palani, Advocate Sr.NO. 36971

+1 cc to Government Pleader Sr.NO. 38258

W.P.Nos.11119 & 11120 of 2006
and

M.P.Nos.12682 & 12684 of 2006
and 7 of 2012

JPL(CO)

A.SK(08/07/2022)