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W.P.No.17129 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.17129 of 2022

S.P.Ramagiri

... Petitioner

Vs.

The Registering Authority-cum-Regional
Transport Officer,
Tiruvallur.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondent herein to re-register the petitioner's bus PY-05-W-4721 without insisting for the disposal of criminal case pending against the driver for fatal accident, forthwith.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.M.Shahjahan
Special Government Pleader

ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the respondent.



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2. The petitioner has filed this writ petition for a Mandamus, to direct the respondent herein to re-register the petitioner's bus bearing Registration No.PY-05-W-4721 without insisting for the disposal of criminal case pending against the driver for the fatal accident.

3. The learned counsel for the petitioner submits that only a case is pending against the driver of the bus under Sections 279 & 304A of IPC.

4. The learned counsel for the petitioner has placed reliance on the decision of this Court rendered in **M/s.A-1 Travels, Represented by its Partner Vs The Registering Authority-cum-Regional Transport Officer, Coimbatore (Central)** in W.P.No.18071 of 2021 vide its order dated 31.08.2021.

5. The learned Special Government Pleader for the respondent would submit that there is no merits in the present writ petition and therefore this writ petition is liable to be dismissed.



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6. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

7. This Writ Petition is being disposed at the time of admission, in the light of the decision rendered by this Court in **M/s.A-1 Travels, Represented by its Partner Vs The Registering Authority-cum-Regional Transport Officer, Coimbatore (Central)** in W.P.No.18071 of 2021, dated 31.08.2021.

8. That apart, Section 48(5) of the Motor Vehicles Act, 1988 also makes it clear that before granting or refusing for grant of “No Objection Certificate”, the Registering Authority shall obtain a report in writing from the police that no case relating to the theft of the motor vehicle concerned has been reported or is pending and verify whether all the amounts due to Government including road tax in respect of that motor vehicle have been paid and take into account such other factors as may be prescribed by the Central Government. There is no impediment for re-registering the vehicle



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merely because the vehicle in question was involved in the accident.

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9. Therefore, I am inclined to allow re-registration of the vehicle. It shall be however without prejudice to the rights of the claimants who may have a case against the petitioner for compensation under the provisions of the Motor Vehicles Act, 1988. Therefore, the petitioner shall inform the concerned Insurance Company, the jurisdictional Police Station where the FIR has been register and the family members of the deceased who may have a right to recover the amounts from the petitioner.

10. Under these circumstances, I am inclined to dispose this writ petition by directing the respondent to take steps to re-register the vehicle strictly in accordance with the provisions of the Motor Vehicles Act read with the provisions of the Motor Vehicles Rules, with in a period of fifteen days from the date of receipt of a copy of this order.

11. This Writ Petition stands disposed of in terms of the above



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observations. No costs.

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Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

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Note: Issue Order Copy on 11.07.2022.

To

The Registering Authority-cum-Regional
Transport Officer,
Tiruvallur.

C.SARAVANAN, J.

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