



WP (MD) No.8972 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.07.2022

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition (MD) No.8972 of 2021

E.V.Naresh

.. Petitioner

Versus

1.The District Collector,
(Regional Transport Authority),
Collectorate Office, Dindigul – 624 004.

2.The Regional Transport Officer,
Regional Transport Office,
Palani – 624 601,
Dindigul District.

3.The Joint Transport Commissioner,
Joint Transport Commissioner Office,
Opp. to Mattuthavani Bus Stand,
New Pudhukulam,
K.Pudur, Madurai – 625 007.

4.V.Sivamani, W/o.Late.S.E.Veluchamy

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the respondents from transferring the permit bearing No.40/SC/DGL/2015 covered by a bus stage carrier, bearing Registration No.TN-37-AY-7878, based on the application made by the fourth respondent, by considering the petitioner's representation, dated 29.03.2021.



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For Petitioner : Mr.R.Maheswaran
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 : Mr.B.Saravanan

ORDER

This Writ Petition is filed to forbear the respondents from transferring the permit bearing No.40/SC/DGL/2015 covered by a stage carrier bus, bearing Registration No.TN-37-AY-7878, based on the application made by the fourth respondent, by considering the petitioner's representation, dated 29.03.2021.

2.The petitioner has filed this Writ Petition stating that his father was running a stage carrier bus, which is plying on the route Oddanchatram Check Post to Manjanaickenpatti (via) Bus Stand, Railway Station, Virupatchi and Chatrapatti. The said bus was operated by his father through the said route from the year 1979 and permit has been periodically renewed. His father passed away on 06.07.2011, leaving the petitioner, the fourth respondent/mother of the petitioner and the petitioner's sister Kavitha as his legal heirs. Thereafter, the petitioner approached the revenue authorities and obtained Legal Heirship Certificate on 26.08.2011. The petitioner and the sister of the petitioner gave no objection for the permit to be transferred to the name of the petitioner's mother/fourth respondent. Though the permit stands



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in the name of the petitioner's mother/fourth respondent, till date, the petitioner is maintaining and running the bus service. In the year 2018, the above said permit has been renewed by the petitioner. Since the petitioner's mother/fourth respondent being head of the family, the petitioner and his sister were forced to give no objection regarding the above said permit in favour of their mother/fourth respondent. Now, the petitioner came to know that the fourth respondent along with the petitioner's sister is attempting to transfer the permit among themselves or to some other third party. Hence, the present Writ Petition.

3.Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondents 1 to 3 submits that the petitioner's father was running a stage carrier bus service with permit and after his demise, the petitioner and his sister had given no objection for the permit to be transferred in the name their mother/fourth respondent. Accordingly, the permit was transferred in the name of the 4th respondent. This had taken place long back more than a decade. Now, the petitioner is making an allegation that he was forced to give no objection for transfer of permit in the name of his mother/fourth respondent which cannot be accepted. More so, the petitioner being an educated person and a Doctor by profession, whatever dispute between the petitioner and his mother, the same has to be resolved within the family or before the Civil Court, not through this writ proceedings.



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4.The learned counsel for the fourth respondent submits that after the demise of the fourth respondent's husband, the fourth respondent was living with her daughter Kavitha, who is taking care of her. Earlier, when the fourth respondent was living with the petitioner, the atmosphere was not cordial and therefore, the fourth respondent moved away. Now, she is running a stage carrier bus service and the income derived from the bus service is the primary source for her sustainability and also for her day-to-day needs. The fourth respondent has so far not contemplated any change, as such, she is carrying on the business and also dealing with it as she likes. The petitioner cannot have any say, more so, making false allegations.

5.Considering the rival submissions and on perusal of the materials available on record, it is seen that the petitioner is none other than the son of the fourth respondent. Admittedly, the bus and permit were in the name of the petitioner's father, who is the husband of the fourth respondent. After his demise, the petitioner and his sister had given no objection to the fourth respondent, who is their mother and now, she is carrying on the business. This has happened more than a decade. Therefore, the petitioner cannot have any claim at this stage. The petitioner has to approach the Civil Court for appropriate relief. Hence, this Writ Petition is dismissed. No costs.



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M.NIRMAL KUMAR, J.

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