



Rev.Aplw.(MD)No.44 of 2022 in W.P.(MD)No.3066 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.07.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

(Through Video Conferencing)

Rev.Aplw.(MD).No.44 of 2022

in

W.P.(M.D).No.3066 of 2022

and

W.M.P.(MD)No.10859 of 2022

K.Ravichandran

... Petitioner

vs.

1. The District Collector cum Regional Transport Authority,
Pudukkottai Zone,
Pudukkottai District.

2. The Regional Transport Officer,
Pudukkottai Region,
Pudukkottai District.

... Respondents

PRAYER : This Petition is filed Order 47 Rule 1 and 2 of Cr.P.C., r/w. Section 114 of C.P.C., pleased to review the order made in W.P.(MD)No. 3066 of 2022.

For Petitioner : Mr.M.Palani
for M/s.S.Bharathi

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader



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ORDER

The case is listed under the caption “to review the order passed in W.P.(M.D)No.3066/2022”. Earlier the Writ Petition in W.P.(MD)3066 of 2022 was disposed of by this Court vide order dated 16.02.2022 by directing the respondents to transfer the permit in favour of the petitioner in accordance with the provisions of Rule 214 of the Tamil Nadu Motor Vehicles Rules, 1989.

2. The learned counsel for the petitioner submits that by over site, the counsel on record failed to bring to the notice of this Court that the petitioner's father late A.R.Krishnan, who died on 24.11.2021, had executed a registered will dated 08.07.2005 in favour of the petitioner. It is submitted that wherever a “will” has been executed, this Court has been taking a categorical view that there is no requirement for getting no objection from other legal heirs. In this connection, the learned counsel for the petitioner relied upon the decision of this Court in the case of **D.Naveen Kumar Vs. The Regional Transport Authority and another** in **W.P.No.2969 of 2021** vide order dated 17.03.2021 and another case in respect of same parties in



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W.P.No.27350 of 2021 vide order dated 06.01.2022.

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3. There is no representation on behalf of the respondent, though, this case has come up for hearing and was heard on 13.07.2022 and adjourned to today.

4. This Court in W.P.No.27350 of 2021 vide order dated 06.01.2022 has held as under:-

“ 22. Whether the Will is genuine or not, whether the Will is correct or not cannot be gone into by the Regional Transport authorities like the respondents. Therefore the Law presume under the provisions of the Indian Law of Inheritance that, once a Will is executed unless the contrary is proved the legatee or beneficiary is entitled to hold the property covered under the Will. Therefore, on that prima facie view, the authorities concerned should have considered the application submitted by the petitioner for transfer of permit and decided the same accordingly.

23. This, in fact, has been indicated by the learned Judge, who passed the order in the earlier round of litigation, where the learned Judge at para 5 of the order which has already been quoted herein above stating that the petitioner is claiming right over the vehicle based on the Will executed by the owner of the vehicle Dhanabakkiammal and therefore, the question of considering legal heir certificate does not arise in this case.



24. Since the question of filing any legal heir certificate does not arise in that case, as has been pointed out by the learned Judge, in which, I have in complete agreement, the compliance of production of legal heir certificate or No Objection Certificate from other legal heirs as insisted by the respondents like any other cases as per the provisions contemplated under the Motor Vehicles Act and the Rules made thereunder, does not arise in this case.

25. Therefore in all fairness, the respondents shall consider the application submitted by the petitioner dated 24.12.2020 with regard to the transfer of permit in the name of the petitioner, of the stage carriage permit referred to above and that shall be decided on the basis of the merits especially in the context of the circumstances indicated above.”

4. In view of the above, I am inclined to modify the order dated 16.02.2022 by directing the Registry to delete the last sentence in the first paragraph commencing with “The name transfer” and ending with the extract of “Rule 214 of the Tamil Nadu Motor Vehicles Rules, 1989”. The second paragraph shall be replaced with the following passage.

“The issue is no longer *resintegra*. This Court has allowed the writ petition in terms of the W.P.No.27350 of 2021 vide



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order dated 06.01.2022 (Cited Supra).

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The Writ Petition stands disposed of by directing the respondents to alter the name within a period of four weeks from the date of receipt of a copy of this order.”

5. With the above direction, the Review Petition is allowed. Consequently, the connected miscellaneous petition is closed.

6. The Registry is directed to carry out necessary corrections and issue a fresh copy of the order incorporating the above corrections.

19.07.2022

Index :Yes/No
Internet:Yes/No
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C.SARAVANAN, J.

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To

- 1.The District Collector cum Regional Transport Authority,
Pudukkottai Zone,
Pudukkottai District.
2. The Regional Transport Officer,
Pudukkottai Region,
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