



WA (MD) Nos. 1226, 1227 & 1229 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 29.11.2022

Delivered on : 15.12.2022

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

Writ Appeal (MD) Nos. 1226, 1227 and 1229 of 2022
and
C.M.P. (MD) Nos. 9511, 9516 and 9538 of 2022

WA (MD) No. 1226 of 2022

M. Mohamed Jamil

.. Appellant

Versus

1. The District Collector
Sivagangai District
Sivagangai
2. The Regional Transport Authority
Sivagangai District
Sivagangai
3. The Regional Transport Officer
Sivagangai District
Sivagangai
4. Mrs. S.K.A. Noorjahan Beevi

.. Respondents

WA (MD) No. 1227 of 2022

M. Mohamed Jamil

.. Appellant



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1. The Regional Transport Authority-cum-
the District Collector
Sivagangai

2. The Secretary
Regional Transport Authority-cum-
The Regional Transport Officer
Sivagangai

3. The Motor Vehicles Inspector, Gr.,
O/o. The Regional Transport Office
Sivagangai

4. Mrs. S.K.A. Noorjahan Beevi

.. Respondents

WA (MD) No. 1229 of 2022

M. Mohamed Jamil

.. Appellant

Versus

1. The Regional Transport Authority-cum-
the District Collector
Sivagangai

2. The Secretary
Regional Transport Authority-cum-
The Regional Transport Officer
Sivagangai

3. Mrs. S.K.A. Noorjahan Beevi

.. Respondents

WA (MD) No. 1226 of 2022:- Appeal filed under Clause 15 of Letters Patent against the order dated 16.06.2022 passed in WP (MD) No. 6012 of 2018 on the file of this Court.

WA (MD) No. 1227 of 2022:- Appeal filed under Clause 15 of Letters Patent against the order dated 16.06.2022 passed in WP (MD) No. 8137 of 2021 on the file of this Court.

WA (MD) No. 1229 of 2022:- Appeal filed under Clause 15 of Letters Patent against the order dated 16.06.2022 passed in WP (MD) No. 8145 of 2021 on the file of this Court.

<https://www.mhc.tn.gov.in/> WA (MD) No. 1226 of 2022



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For Appellant : Mr. M. Palani
For Respondents : Mr. S.P. Maharajan
Special Government Pleader for RR1 to 3
Mr. J. Anand Kumar for R4

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For Appellant : Mr. M. Palani
For Respondents : Mr. S.P. Maharajan
Special Government Pleader for RR1 to 3
Mr. J. Anand Kumar for R4

WA (MD) No. 1229 of 2022

For Appellant : Mr. M. Palani
For Respondents : Mr. S.P. Maharajan
Special Government Pleader for RR1 & 2
Mr. J. Anand Kumar for R3

COMMON JUDGMENT

R. MAHADEVAN, J

All these appeals are filed by the appellant as against the common order dated 16.06.2022 passed by the learned Judge in WP (MD) Nos. 6012 of 2018, 8137 of 2021 and 8145 of 2021.

2. The writ petitions have been filed by the appellant herein seeking



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various reliefs, challenging the orders passed by the official respondents refusing to renew the permit.

3. By the common order dated 16.06.2022, the learned Judge refused to grant the relief sought for by the writ petitioner/appellant on the ground that though the original documents such as permits, fitness certificate and registration certificate in respect of the vehicle in question are in possession of the appellant, the registration certificate stands in the name of his mother Mrs. Noorjahan Beevi. The learned Judge therefore held that writ petitioner/appellant herein is not entitled to renewal of registration of the vehicle in question in compliance with Section 81 of The Motor Vehicles Act, 1988. It was further held that the suit in O.S. No. 109 of 2013 is pending between the parties and subject to the outcome of the suit, necessary order shall be passed by the official respondents herein. The learned Judge also issued a direction to the learned District Munsif, Paramakudi to expedite the disposal of the suit in O.S. No. 109 of 2013 within a period of six months. Aggrieved by the aforesaid observations made by the learned Judge, the present intra-court appeals are filed by the appellant.

4. When these appeals are taken up for hearing, after elaborate submissions made by the counsel for both sides, the learned counsel appearing



for the fourth respondent in WA (MD) Nos. 1226 and 1227 of 2022 submitted that during the pendency of these appeals, now, a compromise has been entered into between the appellant and the fourth respondent so as to have the renewal of the permit and for plying the vehicle in question pending disposal of the suit mentioned supra. To substantiate the same, the learned counsel filed an affidavit dated 29.11.2022, jointly signed by the appellant and the fourth respondent herein. The affidavit dated 29.11.2022, reads as follows:-

"5. I submit that during the pendency of the present appeals, since the renewal of permit is to be done on or before 31.12.2022, it was decided and agreed by this respondent to submit the present renewal application by herself. Hence, without prejudice to my rights, I am filing the present application and the same is as follows:-

1. I, Mrs. S.K.A. Noorjahan Beevi, will file the present renewal application for the permit of the Bus bearing Reg. No. TN-65-Y-9516 covering the route Paramakudi to Thirupathur (via) T. Pudukottai, Manamadurai, Sivagangai with independent shuttle trips between T. Pudukottai and Paramakudi.

2. Plying of the above said vehicle by the appellant after renewal will be subject to the outcome of the abovementioned original suit.

3. Myself and the appellant and his brother namely Mohammed Thowbieck will abide by the outcome of the suit in O.S. No. 109 of 2013 pending on the file of learned District Munsif, Paramakudi.

4. Both the parties unanimously agreed to cooperate for the early disposal of the suit within the period stipulated by this Court.

Therefore, it is prayed that this Honourable Court may be pleased to record the present affidavit and pass appropriate orders in the facts and circumstances of this case.



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5. The affidavit dated 29.11.2022 has been duly signed by the appellant as well as the fourth respondent and it was also affirmed by them in person before this Court. The learned counsel for the appellant as well as the fourth respondent also, in unison, submitted that by recording the affidavit of the appellant and the fourth respondent, the writ appeals may be disposed of with a direction to the official respondents to consider the application for renewal as well as replacement of the vehicle in terms of the compromise entered into between them.

6. In the light of the joint affidavit dated 29.11.2022 filed by the appellant as well as the fourth respondent, the order dated 16.06.2022 passed by the learned Judge in WP (MD) Nos. 6012 of 2018, 8137 of 2021 and 8145 of 2021 is modified. As mentioned in the affidavit dated 29.11.2022, the fourth respondent in WA (MD) No. 1226 of 2022 namely Mrs. S.K.A. Noorjahan Beevi shall submit the application seeking renewal of the permit for the Bus bearing Reg. No. TN-65-Y-9516 as well as replacement of the vehicle and on receipt of the same, the Regional Transport Authority, Sivagangai shall pass appropriate orders thereon. Upon renewal, the appellant along with his brother shall ply the vehicle in question and such right to ply the vehicle is subject to the outcome of the suit in O.S. No. 109 of 2013 pending on the file



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of learned District Munsif, Paramakudi. The affidavit dated 29.11.2022 filed by the appellant and fourth respondent shall form part of the records.

7. Accordingly, all the appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(R.M.D., J) (J.S.N.P. J)

15.12.2022

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Index : Yes / No

Internet : Yes / No

To

1. The District Collector
Sivagangai District
Sivagangai
2. The Regional Transport Authority
Sivagangai District
Sivagangai
3. The Regional Transport Officer
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R.MAHADEVAN, J.
and
J. SATHYA NARAYANA PRASAD, J.

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Pre-delivery Judgment in
WA (MD) Nos. 1226, 1227
and 1229 of 2022

15.12.2022