

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.6008 of 2023

M/s.OST Logistics Pvt Ltd.,
Represented by its Partner R. Ramasaravanan
1223, HIG Housing Board,
Kurunji Nagar, Krishnagiri.

... Petitioner

Versus

The Registering Authority cum
Regional Transport Officer,
Hosur, Krishnagiri District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent herein to entertain the petitioner application dated 18.08.2022 for the issuance of NOC in respect of petitioners PSV Vehicle bearing registration number TN-70/T-5108 and issue NOC Without insisting for the disposal of fatal accident case pending against the driver of the bus.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.N.Naveen Kumar, GA

ORDER

This writ petition has been filed seeking a direction to the respondent herein to entertain the petitioner application dated 18.8.2022 for issuance of NOC in respect of petitioners PSV Vehicle bearing registration number TN-

70/T-5108.

2. The case of the petitioner is that he has sold his idle PSV bus to one Kaliyamoorthy of Puducherry. To register the said vehicle in Puducherry, the respondent has to give NOC. Accordingly, the petitioner has applied for NOC in Form 28 before the respondent, the respondent called for report from the Superintendent of Police, Krishnagiri whether the vehicle is involved in any theft case. The Superintendent of Police gave a report that the vehicle did not involve in any theft case but a fatal accident case is pending against the petitioner's driver. Since fatal accident case is pending against the driver, the respondent returned the petitioner's application. Without having no other option, the petitioner has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that the petitioner has submitted his application on 18.08.2022 and the respondent has refused to issue the NOC on 11.01.2023, which is against Section 48(4) & (5) of the Motor Vehicle Act, 1988 and therefore, this Court may issue a direction to the respondent to consider the petitioner's application dated 18.08.2022 and pass appropriate orders.

The relevant provisions are extracted hereunder:

"48. (4) Where within a period of thirty days referred to in sub-section (3), the registering authority does not refuse to grant the no objection certificate or does not communicate the refusal to the applicant, the registering authority shall be deemed to have granted the no objection certificate.

(5) Before granting or refusing to grant the 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, 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."

4. The learned Government Advocate appearing on behalf of the respondent submitted that there was a delay in issuing the NOC, since the respondent received a report from the SP, Krishnagiri only on 16.12.2022. If the petitioner will make a fresh representation, the same will be considered and appropriate orders will be passed.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and the limited

relief sought for by the petitioner, this Court directs the petitioner to make a fresh application before the respondent within a period of one week from the date of receipt of a copy of this order. Upon receipt of such application, the respondent shall pass appropriate orders on the petitioner's application on merits and in accordance with law within a period of one week, thereafter.

7. With the above directions, the writ petition is disposed of. No costs.

28.02.2023

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Note: Issue order copy on 03.03.2023

To

The Registering Authority cum
Regional Transport Officer,
Hosur, Krishnagiri District.

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N.SATHISH KUMAR, J.

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