



W.P. No. 21956 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 21956 of 2023
and
W.M.P. No. 21307 of 2023**

1. K.Premalatha Rani

2. Prashanth Koorapati

3. Sumath Koorapati

4. Meena Pooja

... Petitioners

-VS-

1. The Secretary,
State Road Transport Authority,
Transport Department,
Ezhilagam,
Chepauk,
Chennai – 600 005.

2. Koorapati Sudhakar Choudary
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to proceeding dated 23.03.2021 of the First Respondent pertaining to the transport permit of vehicle (bus) bearing Registration No. AP 03 V 2050, presently bearing Vehicle No. TN 23 CT 1422 transferring the same



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to the Second Respondent and quash the same and to consequently issue a direction to the First Respondent to pass orders after giving full opportunity to the Petitioners in the matter.

For Petitioners : Mr. R.S.Raveendhren

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader (for R1)

Mr. J.Pothiraj (for R2)

ORDER

Heard Mr. R.S.Raveendhran, Learned Counsel for the Petitioners, Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First Respondent and Mr. J.Pothiraj, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The permit for the vehicle bearing Registration No. TN 23 CT 1422 was in the name of one Koorapati Suseelamma. After she died on 19.08.2020, the Second Respondent, who claims to be one of her legal heirs, relying upon the will dated 25.06.2020 said to have been executed by her, had made an application under Section 82(3) of the Motor Vehicles Act, 1988 (hereinafter



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referred to as 'the Act' for short), for transfer of the permit in his favour, which has been granted by Order in R. No. 19234/ E3/2020 dated 23.03.2021 passed by the First Respondent, which is impugned in this Writ Petition. According to the Petitioners, they are the legal heirs of one K.Madhusudana Choudary, who is one of the sons of the said Koorapati Suseelamma, and had died on 31.01.2021 shortly after her death, and they had not been given any notice prior to the impugned order of transfer in favour of the Second Respondent, which entails adverse civil consequences to them.

3. It is borne out from the materials placed on record that prior to the passing of the impugned order, no notice or opportunity of hearing had been afforded to the Petitioners, which vitiates the same as transgression of the principles of natural justice. In that view of the matter, the transfer of permit in favour of the Second Respondent by Order in R. No. 19234/E3/2020 dated 23.03.2021 passed by the First Respondent shall stand set aside.

4. However, by virtue of Section 82(2) of the Act, the Second Respondent, who claims to be in possession of the vehicle from the time of the demise of the said Koorapati Suseelamma and claims to have made the required application for transfer in time, shall be entitled to its benefits till final decision is taken on



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the application for transfer.

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5. It shall be incumbent upon the First Respondent to issue due notice to the Petitioners, the Second Respondent and all other persons concerned, afford full opportunity of hearing to them following the prescribed procedure in consonance with the principles of natural justice, deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to them under written acknowledgment. The report of such compliance shall be filed by 30.04.2024 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

30.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 14.02.2024

vjt

To

The Secretary,
State Road Transport Authority,
Transport Department,



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Ezhilagam,
Chepauk,
Chennai – 600 005.



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P.D. AUDIKESAVALU, J.

vjt

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