



WEB COPY



W.P.No.14560 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.14560 of 2021
and W.M.P.Nos.15445 & 15443 of 2021

T.Kalaivanathi

.. Petitioner

Vs.

1. The Regional Transport Authority,
Collectorate, Coimbatore - 641 018.

2. The Sub-Registrar,
Office of the Sub-Registrar,
Coimbatore Road,
Mettupalayam - 641 301.

3. S.R.N.T.Bus Service,
Rep. by T.Srinivasan and T.Vimala,
1-31, Bogayan Layout,
Karamadai Road,
Mettupalayam - 641 301.

.. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugned order bearing R.No.9553/A2/2020, dated 04.07.2020 passed by the first respondent and quash the same and direct the



W.P.No.14560 of 2021

second respondent to cancel the registered partnership deed bearing

Document No.30/2020, dated 11.03.2020 on the files of their office.

For Petitioner : Mr.PA.Saigovindaraja

For Respondents 1 & 2 : Mr.K.M.D.Muhilan
Additional Government Pleader

For Respondent 3 : Mr.M.Palani

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ORDER

The impugned order has been challenged mainly on the ground that the objections raised by the petitioner has not been considered by the first respondent while transferring the permit in the name of the third respondent.

2. Originally the permit for the bus was in the name of Mr.R.Thangavel, Managing Partner, SRNT Bus Service, Mettupalayam, the father of the writ petitioner herein. The father of the writ petitioner died on 23.06.2019 and thereafter the remaining partners namely the mother and brother of the writ petitioner continued the partnership business. Pursuant to the death of the Managing Partner, they applied for renewal of permit.



W.P.No.14560 of 2021

Accordingly the permit has been renewed in the name of the third respondent firm viz., S.R.N.T. Bus Service, Mettupalayam.

3. It is the contention of the learned counsel appearing for the writ petitioner that the petitioner being the daughter of the Managing Partner Mr.R.Thangavel, has right in the partnership firm and therefore she raised objections before the first respondent against the renewal application. However without properly considering the objections raised by the petitioner the first respondent has renewed the permit of the third respondent firm.

4. The learned counsel appearing for the petitioner further submitted that there are difference between the clause in the two partnership agreement. In the earlier agreement the bank accounts were authorised to be operated by two partners, whereas in the subsequent partnership agreement only single partner has been authorised to operate the bank accounts. According to him there is no partnership in existence. Therefore the first respondent ought to have considered the objections raised by the petitioner and not to have granted the permit in the name of the third respondent firm.

5. At the outset, this Court is of the view that the grievance of the



W.P.No.14560 of 2021

writ petitioner appears to be with regard to claiming share in the family business. According to her it is a family business and she is entitled to share in the profits.

6. Whereas the contention of the third respondent is that the partnership firm is continuing and after the demise of Mr.R.Thangavel the other two partners namely the wife and the son of Mr.R.Thangavel are continuing in the partnership and Mr.T.Srinivasan son of Mr.R.Thangavel has become the Managing Partner.

7. The first respondent being the Regional Transport Authority, Coimbatore has exercised its power under the Statute and renewed the permit in the name of the firm as it stood originally. Thus the renewal has been made only in the name of the firm. Therefore, this Court is of the view that if at all the writ petitioner has any grievance over the partnership business or family business her remedy lies elsewhere. Mere renewal of the permit in the name of the firm will not take away the petitioner's right to establish her claim before the competent Civil Court.

8. Such view of the matter, this Court finds no merit in this writ



W.P.No.14560 of 2021

petition and the writ petition is liable to be dismissed and accordingly

dismissed. Consequently, the connected miscellaneous petitions are closed.

No costs.

03.01.2023

Index : Yes / No

Neutral Citation : Yes / No

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To

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N.SATHISH KUMAR, J.

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