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W.P.No.23586 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.23586 of 2023

and

WMP.No.23105 of 2023

M.Radhakrishnan

...Petitioner

Vs.

1.The Registering Authority/
Regional Transport Officer
Dharmapuri.

2.The Motor Vehicle Inspector-Gr-1
Unit Office, Palacode
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent dated 31.05.2023 in proceedings R.No.14371/A2/2022 and to quash the same consequently direct the respondents to return the LMV vehicle bearing Registration No.TN-22-CH-3653 to the petitioner forthwith.



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W.P.No.23586 of 2023

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

The petitioner herein challenges the impugned order passed by the first respondent canceling the registration certificate in respect of LMV Car bearing Registration Number TN 22 CH 3653 on the ground that the petitioner was involved in creation of fake documents.

2. Against the order passed under Section 55 of the Motor Vehicles Act, an appeal shall lie under Section 57 of the said Act to the prescribed authority.

3. Mr.N.Naveen Kumar, learned Government Advocate appearing for the respondents submitted that the prescribed authority for entertaining the appeal is the State Transport Commissioner.



W.P.No.23586 of 2023

4. In view of the availability of alternative remedy of appeal, this

Court is not inclined to entertain the Writ Petition. Accordingly, this Petition is dismissed with liberty to the petitioner to challenge the impugned order by filing an appeal under Section 57 of the Motor Vehicles Act. It is needless to say that the petitioner is entitled to exclude the time taken by him in prosecuting the Writ Petition before this Court namely, from the date of filing of Writ Petition (on 07.08.2023) to the date of receipt of a copy of this order while computing the limitation of filing an appeal. No costs. Consequently, connected Miscellaneous Petition is closed.

21.09.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
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W.P.No.23586 of 2023

S.SOUNTCHAR, J.
dna

To

- 1.The Registering Authority/
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Dharmapuri.
- 2.The Motor Vehicle Inspector-Gr-1
Unit Office, Palacode
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