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W.P. No. 30904 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

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

W.P. No. 30904 of 2023

G.Karpagam

... Petitioner

-VS-

1. The Transport Commissioner
Chepauk, Chennai – 600 005.
2. The Regional Transport Officer
Salem (West), Salem – 636 005.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent herein to receive the Petitioner's Application dated 03.10.2023 for replacement of new Vehicle bearing Registration No. TN-30-CB-2155 in the place of the Old Vehicle bearing Reg. No. TN-27-2173 since both the vehicles are one and same nature with the seating capacity of 5+1 and to grant replacement forthwith in the Petitioner's contact carriage share auto permit no. TN-30-171-S-2003.

For Petitioner : Mr. A.Ganesan

For Respondents : Mr. U.Baranidharan
Additional Government Pleader



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ORDER

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Heard Mr. A.Ganesan, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner holds contract carriage permit no. TN-30-171-S/2003 for share auto with seating capacity of 5+1 from the Second Respondent for the vehicle bearing Registration No. TN-27-X-2173 having validity upto 30.09.2028. The grievance ventilated by the Petitioner is that he had made an application for transfer of that permit to another similar vehicle bearing Registration No. TN-30-CB-2155 owned by him, but the Second Respondent has not taken necessary action in that regard, which has necessitated the filing of this Writ Petition.

3. Learned Additional Government Pleader appearing for the Respondents, on instructions, states that such application for transfer of permit has actually been submitted by the Petitioner only on 01.11.2023 (today), and no such application had been received earlier in that regard.



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4. Having due regard to the aforesaid factual position, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the application dated 01.11.2023 made by the Petitioner for transfer of the contract carriage permit no. TN-30-171-S/2003 for share auto with seating capacity of 5+1 having validity upto 30.09.2028 from the vehicle bearing Registration No. TN-27-X-2173 to the vehicle bearing Registration No. TN-30-CB-2155 including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken



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communicated by 31.03.2024 under written acknowledgment, and the

report of completion of the aforesaid exercise shall be filed before the

Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

01.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.01.2024.

Maya

To

1. The Transport Commissioner
Chepauk, Chennai – 600 005.
2. The Regional Transport Officer
Salem (West), Salem – 636 005.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. G. Karpagam
W/o. R. Ganesan,
No. 185, Chennervayalkadu,
No. 2 Shevapet,
Omalur Taluk, Salem 636 009.



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P.D. AUDIKESAVALU, J.

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