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W.P. No. 34814 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

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

W.P. No. 34814 of 2023

M/s. Athri Skybus Private Limited,
Represented by its Director,
D.Malathi,
No.17, Vignarajapuram,
1st Main Road, Vengaivasal,
Chennai – 600045.

... Petitioner

-VS-

The Regional Transport Officer,
Regional Transport Office,
Tambaram,
Chennai – 600045.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to re-register and effect the name transfer in the Registration Certificate of the vehicle bearing No. PY05B8393 and issue Vehicle Registration Certificate in the name of M/s. Athir Sky Bus Private Limited, within a reasonable time as fixed by this Hon'ble Court.

For Petitioner : Mr. P.Venkatraman

For Respondent : Mr. S.J.Mohammed Sathik,
Government Advocate



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ORDER

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Heard Mr. P.Venkatraman, Learned Counsel for the Petitioner and Mr. S.J.Mohammed Sathik, Learned Government Advocate appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that since the Respondent has not taken necessary action to effect re-registration on transfer of ownership of the vehicle bearing Registration No. PY05B8393 in his favour, it has necessitated the filing of this Writ Petition.

3. Learned Government Advocate, on instructions, states that in the absence of any application received from the Petitioner conforming to the requirements of Circular No. 38/2019 dated 27.08.2019 issued by the Transport Commissioner for re-registration of motor vehicle, it would not be possible to take any action in the matter as sought by the Petitioner in this case.

4. It is informed by Learned Counsel for the Petitioner that the application of the Petitioner for re-registration of vehicle has not been received till date in



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the office of the Respondent.

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5. In such circumstances, Learned Additional Government Pleader appearing for the Respondent has produced copy of the Letter in R. No. 75869/A1/2023 dated 14.12.2023 sent by the Respondent to the Petitioner informing that he may submit his application along with requisites documents, and Learned Counsel for the Petitioner has acknowledged its receipt in Court today.

6. In such circumstances, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) it shall be incumbent upon the Petitioner to submit his application by 19.01.2024 for Re-Registration on transfer of ownership of his vehicle;
- (ii) if such application is made, the concerned authority shall immediately examine the same including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (iii) 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;
- (iv) in the event of not being satisfied with the requirements even thereafter,



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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;

- (v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.03.2024 under written acknowledgment; and
- (vi) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.

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

15.12.2023

Index: Yes/No
NCC: Yes/No
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Note: Issue order copy by 08.01.2024.

To

The Regional Transport Officer,
Regional Transport Office,
Tambaram,
Chennai – 600045.



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Copy to

1. The Registrar (Judicial)
Madras High Court,
Chennai 600 104.
2. M/s. Athri Skybus Private Limited,
Represented by its Director,
D. Malathi,
No. 17, Vignarajapuram,
1st Main Road, Vengaivasal,
Chennai – 600045



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P.D. AUDIKESAVALU, J.

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