



W.P. (MD) No. 3261 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 3261 of 2023

Muniyandi

... Petitioner

Vs.

1.The District Transport Officer,
Office of the District Transport Officer,
Opp.Collectorate, Virudhunagar-626 002.

2.The Motor Vehicle Inspector,
Opp.Government Polytechnic,
Palayampatti, Aruppukottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the respondents to issue fitness certificate to the petitioner's tipper lorry bearing registration No.TN 33 AW 5134 on the basis of his representation dated 06.02.2023.

For Petitioner : Mr. S.Muniyandi

For Respondents : Mr. M.Senthil Ayyanar
Government Advocate



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ORDER

Heard Mr. S.Muniyandi, Learned Counsel appearing for the Petitioner and Mr. M.Senthil Ayyanar, Learned Government Advocate for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to direct the Respondents to issue fitness certificate to the tipper lorry of the Petitioner bearing registration No. TN33AW5134 on the basis of his representation dated 06.02.2023 made by him.

3. The lorry bearing Registration No.TN 33 AW 5134 was belonging to the Petitioner is involved in a criminal case which is pending before the Principal District Judge, Virudhunagar in Srivilliputhur in Crime No. 72 of 2022 for the offences under Section 379 of IPC read with Section 21(1) of Mines and Minerals Act, 1957, for transportation of sand, and in furtherance



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to the order dated 15.12.2022 passed by this Court in Crl.R.C. (MD) No. 1225 of 2022, the said vehicle has been released. However, the vehicle documents are said to be still in the custody of the District Court. In that backdrop, the Writ Petition has been filed seeking direction to the Respondents to issue fitness certificate for the said lorry.

4. Learned Government Advocate for the Respondents, on instructions, submits that unless the Registration Certificate and the other vehicle records are produced, it is not possible for the Respondents to issue fitness certificate to the lorry of the Petitioner in this case.

5. As the documents are still in the custody of the District Court, the Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to make necessary application before the District Court for return of the original documents or for obtaining certified copies of the same for producing them before the Respondents for issuance of fitness certificate for vehicle of the Petitioner in this case.



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In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. No costs.

24.02.2023

NCC : Yes/No
Index : Yes/No
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Note:- Issue order copy by 03.03.2023.



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P.D.AUDIKESAVALU,J.

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To

- 1.The District Transport Officer,
Office of the District Transport Officer,
Opp.Collectorate, Virudhunagar-626 002.
- 2.The Motor Vehicle Inspector,
Opp.Government Polytechnic,
Palayampatti, Aruppukottai,
Virudhunagar District.

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24.02.2023

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