



W.P.(MD)No.15537 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.15537 of 2023**

S.Ashok Kumar

... Petitioner

versus

1. Regional Transport Authority,  
Madurai District,  
Madurai.

2. Thirumal Alaghu Trucks  
Rep. by its Managing Partner,  
Mr.R.Vignesh Marimuthu  
361-A, Periyakulam Road,  
Theni, Theni District.

3. S.Vijayakumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1<sup>st</sup> respondent to receive the joint application of the petitioner and the 2<sup>nd</sup> respondent for transfer of the permit plying on the route “Madurai to Theni” in respect of vehicle bearing Reg.No.TN49 BZ 9772 from the



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name of the petitioner in the name of the 2<sup>nd</sup> respondent and pass orders directing to transfer the same from the name of the petitioner in the name of the 2<sup>nd</sup> respondent.

For Petitioner : Mr.S.Radha Gopalan  
For R1 : Mr.M.Ramesh,  
Government Advocate  
For R2 : Mr.A.C.Asaithambi  
For R3 : Mr.J.Jeyakumaran

### **ORDER**

This writ petition is filed for a Mandamus, directing the first respondent to receive the joint application filed by the petitioner and the second respondent seeking transfer of permit for the vehicle bearing Reg.No.TN49 BZ 9772 from the petitioner's name to the name of the second respondent.

2. The learned counsel appearing for the petitioner submits that the petitioner is running a stage carriage on the route Madurai to Theni, via Andipatti, Usilampatti and Checkanurani with a permit for the vehicle bearing Reg.No.TN49 BZ 9772. The permit was originally granted to one S.Pournami, who is the mother of the petitioner and



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thereafter, it was transferred to the name of the petitioner, based on the application filed by her mother in the year 2009 and subsequently, it was periodically renewed. Now, the petitioner could not concentrate on the stage carriage and therefore, she wanted to transfer the permit along with the vehicle from her name to the name of the second respondent, namely, Thirumal Alaghu Trucks, Periyakulam, Theni. In this regard, she along with the 2<sup>nd</sup> respondent has filed a joint application before the first respondent seeking transfer of permit from her name to the name of the 2<sup>nd</sup> respondent. In the meantime, the 3<sup>rd</sup> respondent, who is the brother of the petitioner, has filed a suit for partition before the VI Additional District and Sessions Court, Madurai in O.S.No.170 of 2018 and the subject vehicle is also a part of the suit schedule property. The 3<sup>rd</sup> respondent has also made an objection before the Regional Transport Authority not to transfer the permit and the vehicle from the name of the petitioner to the name of the second respondent. Therefore, the first respondent has refused to receive the said application. Aggrieved over that, the petitioner has filed this writ



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petition.

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3. The learned counsel appearing for the first respondent submits that in view of the objection raised by the 3<sup>rd</sup> respondent, the first respondent is restrained from taking the application filed by the petitioner.

4. The learned counsel appearing for the 3<sup>rd</sup> respondent submits that the petitioner, by forging the signature of her mother, has transferred the stage carriage in her name. The 3<sup>rd</sup> respondent has also raised this issue in O.S.No.170 of 2018 and therefore, it has to be decided by the Civil Court as to whether the stage carriage has been transferred based on a forged document or not.

5. Since the 3<sup>rd</sup> respondent has made a specific averment that the transfer of stage carriage in the name of the petitioner has been made on a forged document, it would not be appropriate for the Regional



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Transport Authority to take a decision on the joint application filed by the petitioner and the second respondent for transfer of permit of the stage carriage. The 3<sup>rd</sup> respondent has already filed a suit for partition in O.S.No.170 of 2018 and the same is pending on the file of the VI Additional District and Sessions Court, Madurai, from the year 2018. It is also reported that the suit is pending at the stage of defendant's side evidence.

6. Considering that the suit is pending from the year 2018 and it is at the stage of defendant's side evidence, this writ petition is disposed of with a direction to the learned Judge, VI Additional District and Sessions Court, Madurai to dispose of the suit in O.S.No.170 of 2018 within a period of six months from the date of receipt of a copy of this order. The petitioner as well as the 3<sup>rd</sup> respondent shall co-operate with the trial Court for early disposal of the suit. No costs.

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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1. The Regional Transport Authority,  
Madurai District,  
Madurai.
2. The learned Judge,  
VI Additional District and Sessions Court,  
Madurai.



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**B.PUGALENDHI, J.**

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