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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.07.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.16957 of 2023

V.Thangarasu

... Petitioner

Vs.

The Regional Transport Officer,
Regional Transport Office,
Palani,
Dindigul District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records relating to the impugned returned slip issued by the respondent in A/Thi/Mu. No.008279/A2/2023, dated 26.06.2023 as illegal and quash the same and consequently direct the respondent to reconsider the petitioner's application, dated 26.06.2023 with sufficient opportunity of hearing the petitioner and to replace the petitioner's existing mini bus bearing Reg. No. TN 57 U 1009 permit stage carrier plying as on the route from R.R. Mills to Piluyampatti service by the proposed vehicle bearing Reg. No. TN 31 H 1465.

For Petitioner : M/s.J.Senthil Kumaraiah

For Respondent : Mr.A.K.Manikkam
Special Government Pleader



ORDER

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This writ petition has been for Writ of Certiorarified Mandamus to quash the impugned returned slip issued by the respondent, dated 26.06.2023 with a consequential direction to the respondent to consider the petitioner's application, dated 26.06.2023.

2. Heard on either side. Perused the material documents available on record.

3. The respondent has returned the petitioner's application through the impugned order. The respondent has filed counter affidavit stating that there is 3rd party's claim and also objections were received by the respondent.

4. In the 3rd party objection, it is seen that there was a money dispute between the writ petitioner and 3rd party. However, the said objection was returned, directing the private parties to work out their remedy before the criminal Court. Based on the objections, the respondent did not entertain the petitioner's application and return the same through the impugned order.

5. Therefore, this Court is of the considered opinion that the respondent cannot return the petitioner's application, but to consider the same



on merits. The respondent shall consider the petitioner's application for replacing the mini bus as per law. The petitioner is directed to re-present the application to the respondents. The petitioner is also directed to file an undertaking affidavit that in future if any dispute arises, the petitioner would compensate the loss if the department is incurring any loss. Based on the undertaking affidavit, the respondent shall consider the petitioner's application, within a period of 3 weeks from the date of receipt of a copy of the order.

6. Accordingly, this Writ Petition is allowed in above terms. No Costs.

28.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ksa

To

The Regional Transport Officer,
Regional Transport Office,
Palani,
Dindigul District.



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S.SRIMATHY, J.

ksa

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