



W.P.(MD).No.20064 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.20064 of 2023

K.Senthil Arumugam

... Petitioner

Vs.

1.The Regional Transport Authority,
Tirunelveli District,
Tirunelveli.

2.The Regional Transport Officer,
O/o. Regional Transport Officer,
Tirunelveli – 627 007.

3.Vijayalakshmi

4.K.G.Krishnan

5.K.Sankar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first and second respondents to transfer the Stage Carriage bearing Registration No.TN 72 L 4959 plying on the route Tirunelveli Town to Ayyanarkulampatti along with Spare Bus bearing Registration No.TN 72 AR 0691 from the petitioner's deceased mother's name to his name without insisting No Objection Certificate from the fifth respondent.



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For Petitioner : Mr.A.C.Asaitambi
For R-1 and R-2 : Mr.B.Saravanan,
Additional Government Pleader.
For R-3 and R-4 : Mr.P.Banu Prasath
For R-5 : Mr.H.Arumugam

ORDER

This Writ Petition is filed for Mandamus, directing the first and second respondents to transfer the Stage Carriage bearing Registration No.TN 72 L 4959 plying on the route Tirunelveli Town to Ayyanarkulampatti along with Spare Bus bearing Registration No.TN 72 AR 0691 from the petitioner's deceased mother's name to his name without insisting No Objection Certificate from the fifth respondent.

2. The petitioner, fourth and fifth respondents are brothers and the third respondent is the sister of all other three persons. The contention of the petitioner is that the petitioner is operating the Stage Career even prior to the petitioner's mother demise. Subsequently, the petitioner is also carrying the same. The petitioner's mother died on 02.02.2022 and the petitioner's father



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died on 15.03.2016. The third and fourth respondent had already granted “No Objection” for changing the spare bus in his name, but the fifth respondent is refusing to give “No Objection”. Hence, the official respondents are refusing to register the stage career in the petitioner's name.

3. The contention of the fifth respondent is that the petitioner has married a woman outside their caste. Moreover, the petitioner is running a Stage Carriage belongs to his entire family and he is also having a share in the bus. But the contention of the petitioner is that the respondents 3, 4 and 5 are having separate bus and they are plying the same and they cannot take any share from the bus which the petitioner is plying.

4. The issue raised by the 5th respondent can be resolved only in partition suit. However as on date, the petitioner and the respondents 3 to 5 have not filed any partition suit. Therefore, the petitioner and the respondents 3 to 5 are directed to file a partition suit and based on the outcome of the partition suit, the rights of the parties will be determined. Until then, the petitioner shall ply the Stage Carriage bus. Therefore, the first and second respondents are directed to transfer the Stage Carriage permit in the name of the petitioner. However, such transfer is subject to the judgment which would be passed in the partition



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suit. The respondents shall transfer the stage carriage permit within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

07.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Issue Order Copy on 11.09.2023.

To

- 1.The Regional Transport Authority,
Tirunelveli District,
Tirunelveli.
- 2.The Regional Transport Officer,
O/o. Regional Transport Officer,
Tirunelveli – 627 007.



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S.SRIMATHY, J.

Nsr

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