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W.P.(MD).No.23698 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.23698 of 2023

V.Sivamani

... Petitioner

Vs.

1.The Regional Transport Authority,
Palani Region, Dindigul District.

2.The Regional Transport officer,
Palani, Dindigul District.

3.E.V.Naresh

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, directing the 1st respondent to effect transfer of ownership of the vehicle TN 37/AY-7878 and its associated stage carrier permit covered by Stage Carriage permit No. 40/SC/DGL/2015 on the basis of the application of the petitioner dated 23.11.2022 and the consequential hearing notice issued by the 1st respondent in his proceedings



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R.No.015516/A2/2022 dated 12.04.2023 within a time frame fixed by this Court.

For Petitioner	: Mr.B.Saravanan Senior Counsel for Mr.D.Kirubakaran
For R1 and 2	: Mr.C.Baskaran Government Advocate

ORDER

This writ petition is filed for issuance of a writ of **Mandamus**, directing the 1st respondent to effect transfer of ownership of the vehicle TN 37/AY-7878 and its associated stage carrier permit covered by Stage Carriage permit No. 40/SC/DGL/2015 on the basis of the application of the petitioner dated 23.11.2022 and the consequential hearing notice issued by the 1st respondent in his proceedings, dated 12.04.2023 within a time frame fixed by this Court.

2. The 3rd respondent is the son of the petitioner. The 3rd respondent has already filed a writ petition in W.P.(MD)No.8972 of 2021 and this Court



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vide order, dated 12.07.2022, has recorded that the stage carriage was managed by the petitioner's husband. After his demise, the petitioner was managing the business and the 3rd respondent and the daughter of the petitioner had given no objection to run the business, which has happened decades ago. Therefore, this Court has directed the 3rd respondent to approach the appropriate Civil Court to seek remedy.

3. The learned Government Advocate appearing for respondents 1 and 2 submitted that the 3rd respondent has already filed a civil suit and the same is pending. In the meanwhile, the petitioner is seeking to transfer the stage carriage permit in the name of her daughter namely R.Kavitha, since there was a dispute between the petitioner and the 3rd respondent. The respondents have initiated proceedings to transfer the stage carriage permit and issued notice to the petitioner and the 3rd respondent and also the said Kavitha and has conducted the enquiry. Even after the enquiry, the 1st respondent has not passed any order.



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4. Therefore, the 1st respondent is directed to pass orders based on the enquiry within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not passed any order on merits. The 1st respondent is at liberty to take any decision as per law.

5. With the above said observation, the writ petition is disposed of.

No costs.

27.09.2023

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

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To

- 1.The Regional Transport Authority,
Palani Region, Dindigul District.
- 2.The Regional Transport officer,
Palani, Dindigul District.



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S.SRIMATHY, J.

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