



W.P.(MD)No.24027 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.24027 of 2023

and

W.M.P.(MD)No.20178 of 2023

1. Urumaiah
2. Pushpam
3. Malar
4. Manikandan
5. Umamaheshwaran
6. Athishtalakshmi
7. Yogalakshmi

... Petitioners

versus

1. The Regional Transport Officer,
Regional Transport Office,
Pudukottai.
2. The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.
(R2 is *suo motu* impleaded vide order
dated 04.10.2023)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



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seeking for the issuance of Writ of Mandamus, to direct the respondent to accept the 1st petitioner's application in Form No.31 file along with the prescribed documents and direct to transfer the ownership in favour of the 1st petitioner based on the representation dated 04.09.2023.

For Petitioners : Mr.N.Kamesh

For R1 : Mr.M.Ramesh,
Government Advocate

For R2 : Mr.B.Thanga Aravindh
Government Advocate

ORDER

The petitioners' father one Muthuvel owned three vehicles bearing Reg.No.TN55T 1999 (Mahindra Bolero), TN 55 BH 4131 (John Deere Harvester) and TN55 P5495 (Tata Ace) and he died on 24.10.2022. Therefore, the first petitioner has approached the first respondent to transfer the vehicle records in his name. The first respondent has directed the first petitioner to produce the relevant documents along with the legal heirs certificate and no objection certificate from all the legal heirs of Muthuvel. The first petitioner



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claims that he obtained no objection certificate from all the legal heirs, except from one sister, namely, Nagavalli. Since the whereabouts of Nagavalli are not known, the first petitioner could not get no objection certificate from Nagavalli. Therefore, the present writ petition has been filed for a Mandamus directing the Regional Transport Officer, Pudukottai to accept the application filed by the first petitioner in Form No.31 and transfer the ownership in his favour.

2. When the matter came up for hearing on 04.10.2023, the learned counsel appearing for the first respondent/the Regional Transport Officer submitted that in the absence of no objection certificate from Nagavalli, the vehicles cannot be transferred in the name of the first petitioner.

3. The first petitioner has also taken a stand that his sister Nagavalli has eloped with a man in the year 2022 and the whereabouts of Nagavalli are not known.



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4. In view of the submission made by the first petitioner, this Court, by order dated 04.10.2023, impleaded the Inspector of Police, Malaiyur Police Station, Pudukottai, who registered a case in Cr.No. 166/2022, as 2nd respondent in this writ petition and directed him to file a report as to the stage in Crime No.166/2022.

5. Mr.B.Thanga Aravindh, learned Government Advocate appearing for the second respondent submits that after the investigation, the case in Cr.No.166 of 2022 is closed as action dropped and the said Nagavalli is now living with her husband one Arunpandi at Kadiapatti, Andakulam, Kulathur.

6. In view of the same, this writ petition is disposed of with liberty to the first petitioner to obtain a no objection certificate from his sister Nagavalli and thereafter, file a fresh application before the first respondent along with the relevant documents and no objection



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certificates. If the documents are in order, the first respondent shall transfer the ownership of the vehicles in the name of the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

11.10.2023

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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Regional Transport Office,
Pudukottai.
2. The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.



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B.PUGALENDHI, J.

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