



W.P. Nos. 3026 and 3203 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 3026 and 3203 of 2024

A.Malarvizhi

... Petitioner in both W.P.s

-VS-

1. The Regional Transport Officer,
Tiruppur North,
Tiruppur.

2. Devi

3. Bhuvaneshwari

4. A.Shanthi

... Respondents in both W.P.s

Prayer in W.P. No. 3026 of 2024:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to release the lock on the vehicle bearing Registration No. TN 39 CK 1122 having Chassis No. MALBM51RLJ559751*F and Engine No. D4FCJM593097.

Prayer in W.P. No. 3203 of 2024:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to release the lock on the vehicle bearing Registration No. TN 39 AU 1122 having Chassis No. MBJ11JV4007159724010 and Engine No. 2KD6233604.



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For Petitioner : Mr. Sam Jayaraj Houston (in both W.P.s)

For Respondents : Mr. S.Prabhakar,
Government Advocate (for R1)
(in W.P. No. 3026 of 2024)

Mr. V.Ravi,
Special Government Pleader (for R1)
(in W.P. No. 3203 of 2024)

COMMON ORDER

Heard Mr. Sam Jayaraj Houston, Learned Counsel for the Petitioner and Mr. S.Prabhakar, Learned Government Advocate appearing for the First Respondent in W.P. No. 3026 of 2024 and Mr. V.Ravi, Learned Special Government Pleader appearing for the First Respondent in W.P. No. 3203 of 2024 and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petitions, which would not cause any prejudice to the Second to Fourth Respondents, notice to them is dispensed with.

3. The deceased mother of the Petitioner, viz., Amutha, was the owner of the vehicles, viz., Hyundai i20 bearing Registration No. TN-39-CK-1122 and



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Toyota Innova bearing Registration No. TN-39-AU-1122, which the Petitioner claims to possess and enjoy after her demise. However, when the Petitioner sought to renew the fitness validity of the said vehicles through online application in the website of the First Respondent, she came to know that the status of the said vehicles have been locked unilaterally by the First Respondent based on the objection raised by the Second Respondent on 22.08.2022. In such circumstances, the Petitioner has filed these Writ Petitions for directing the First Respondent to release the lock in the status of the said vehicles.

4. Learned Counsel for the Petitioner states that the Petitioner has also made a representation dated 16.11.2023 to the First Respondent to release the lock status of the said vehicles, but has not evoked any response till date.

5. It is also brought to notice that a civil suit in O.S. No. 804 of 2022 between the Petitioner and the Second to Fourth Respondents relating to the partition of the estate of their deceased mother, viz., Amudha, which includes the aforesaid vehicles, is pending before the Principal District Court, Tiruppur.

6. It is settled position of law that disputed questions of fact relating to property rights, which are private in character and do not have any element of



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public law involved, require full fledged trial by recording of evidence of parties and cannot be decided in a summary manner in proceedings under Article 226 of the Constitution of India. As such, the Petitioner would have to agitate her rights relating to the ownership of the motor vehicles only in the aforesaid suit pending before the Principal District Court, Tiruppur and it is not possible to entertain these Writ Petitions. It is hastened to clarify here that no view has been expressed by this Court on the merits of the controversy involved in the matter.

In the result, the Writ Petitions are dismissed with the aforesaid observations. No costs.

20.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

vjt

To

The Regional Transport Officer,
Tiruppur North,
Tiruppur.



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Copy to

1. Devi,
W/o. R.Rajasekar,
No. 83, S.V.Colony,
1st Street, P.N.Road,
Tiruppur - 641 602.
2. Bhuvaneshwari,
W/o. S.Duraisamy,
No. 22, Vasankuli Thottam,
Bharat Gas Opposite Road,
Anuparpalayam Post,
Tiruppur - 641 652.
3. A.Shanthi,
W/o. B.Sathish Chandran,
Old No. 2/448, New No. 3/647,
ACS Modern City, Opposite to Lotus Temple,
Sarcar Periyapalayam,
Uthukuli Main Road,
Tiruppur - 641 607.



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P.D. AUDIKESAVALU, J.

vjt

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