



W.P.No. 20060 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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Krishna Motors Services,
Rep by its Proprietor Krishna Kumar,
26A, Indira Nagar, Avinasi Road,
Tiruppur, Tiruppur North,
Tamil Nadu 641 602.

... Petitioner

Versus

The Regional Transport Officer cum
Registering Authority,
Tiruppur (North),
Tiruppur - 641 603.

... Respondent

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondent to consider and pass orders on the petitioner's application for replacement of vehicle dated 26.02.2024 within a time frame.

For Petitioner : Mrs.K.Kokilavane

For Respondent : Mr.M.Venkateswaran, SGP



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ORDER

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This petition is filed seeking to issue a writ of Mandamus directing the respondent to consider and pass orders on the petitioner's application dated 26.02.2024 for replacement of vehicle within a time frame.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

3. The case of the petitioner is that the petitioner Transport Company has purchased a bus bearing Registration No.AR 06B 6080 which was registered in the State of Arunachal Pradesh on 04.02.2019 in the name of Thiru.Abdul Rahman as per Section 40 of the Motor Vehicles Act, 1988, r/w. Rule 47 of Central Motor Vehicles Rules, 1989 under the class of "Bus" with a seating capacity of 59 seats. The petitioner Transport Company after obtaining the "No Objection Certificate" from the Registering Authority of Subansiri, Arunachal Pradesh on 29.08.2022 applied for re-registration to the respondent and the same was obtained with the new registration mark bearing No."TN 39 CV 0919" on 02.12.2022 under the class as "Bus". The petitioner



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Transport Company has been operating bus services to the general public from 25.10.1989 from Tiruppur to Coimbatore via Karumathampatti. The current vehicle bearing registration number TN 39 CV 0919 is operating under a permit issued by the respondent on 27.08.2020 valid till 26.08.2025. The petitioner Company applied for the replacement of the said vehicle due to the deteriorating condition of the said vehicle through his application dated 26.02.2024. Since no response was forthcoming from the respondent for the application dated 26.02.2024, the petitioner is before this Court.

4. The learned Special Government Pleader for the respondent submitted that the petitioner submitted the application on 26.02.2024 for replacement of the subject vehicle. But one M.Surendar had filed a Writ Petition in W.P.No.12741 of 2024 on 24.04.2024 against the re-registration of the subject vehicle stating that the vehicle was registered against the law and contrary to the Motor Vehicle Act. Thereafter, the said Writ Petition was dismissed by this Court by an order dated 01.07.2024. Since the certified copy of the said order was not received, the application of the petitioner was kept pending. If short time



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is given, the application of the petitioner will be considered and orders will be passed.

5. In view of the above circumstances, the respondent is directed to consider the application submitted by the petitioner on 26.02.2024 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. In the result, this Writ Petition is disposed of. No costs.

23.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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The Regional Transport Officer cum
Registering Authority,
Tiruppur (North),
Tiruppur - 641 603.



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V.BHAVANI SUBBAROYAN, J.

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