



W.A(MD)No.792 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.792 of 2024
and
CMP(MD)No.5848 of 2024**

R.Nagarajan

... Appellant

vs.

1. M.V.Sundaram

2. The Regional Transport Officer,
Kumbakonam.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 12.04.2024 made in W.P(MD)No.8597 of 2024.

For Appellant	: Mr.A.C.Asaithambi
For R1	: Mrs.Radha Gopalan, Senior Counsel for Mr.T.Padmanabhan
For R2	: Mr.A.Kannan, Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

This appeal has been filed against the order passed by the Writ Court, dated 12.04.2024 made in W.P(MD)No.8597 of 2024.



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2. A transport vehicle i.e., Mini Bus with registration No.TNP 7374, had been owned by the appellant, from whom, the 1st respondent had purchased the vehicle. However, it is disputed by the appellant that, it has not been purchased. In this regard, there has been a civil dispute which is pending before the concerned Civil Court in O.S.No.313 of 2023, on the file of the Principal District Court, Thanjavur.

3. In the meanwhile, the fitness certificate of the vehicle concerned expired on 26.03.2024. Therefore, in order to renew the fitness certificate and to pay the quarterly tax for the period ending with 30.09.2024, when the 1st respondent approached the transport authority, i.e., the 2nd respondent, that has been returned by the 2nd respondent. Therefore, the 1st respondent had approached the Writ Court and filed the said writ petition with the prayer seeking Mandamus. The learned Judge, who heard the writ petition after hearing both sides, has allowed the said writ petition, by giving a direction to the 2nd respondent/Regional Transport Officer, to renew the fitness certificate within seven days, as the vehicle cannot be plied without the fitness certificate getting renewed. As against the said order passed by the Writ Court, the present appeal has been directed.



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4. Heard Mr.A.C.Asaithambi, learned counsel appearing for the appellant, who would submit that, the vehicle in question had not been sold to the 1st respondent, instead, it has only been mortgaged, that was converted into a sale by creating documents. Therefore, that issue is pending before the civil court. In the meanwhile, for the purpose of renewal of the fitness certificate, instead of producing the vehicle of the appellant with registration No.TNP 7374, with the same number, another vehicle since has been produced before the 2nd respondent for getting the renewal of the fitness certificate, that was opposed by the appellant and this aspect since has not been considered by the learned Judge who passed the said direction, aggrieved over the same, the writ appeal has been filed. Hence, he wants indulgence of this Court.

5. Heard Mrs.Radha Gopalan, learned Senior Counsel appearing for the 1st respondent and Mr.A.Kannan, learned Additional Government Pleader appearing for the 2nd respondent.

6. Learned Senior Counsel appearing for the 1st respondent would submit that, the vehicle in question had been purchased by the 1st respondent and when the fitness certificate expired on 26.03.2024 and quarterly tax also to be paid, the 1st respondent approached the 2nd respondent for getting the



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renewal of the fitness certificate and the 2nd respondent, by his rejection memo, has returned the same, stating that in the computer account, it has not been transferred in the name of the 1st respondent.

7. Therefore, according to the learned Senior Counsel, it triggered the 1st respondent to approach the Writ Court to seek for a Writ of Mandamus.

8. Insofar as the allegation that has been made on behalf of the appellant herein that, the 1st respondent has produced a different vehicle with the same registration number is concerned, learned Senior Counsel would submit that, it is not only the registration number of the vehicle, but also there is a separate Chassis number and Engine number. If all these numbers are synchronized, that can be verified by the 2nd respondent before granting the renewal of the fitness certificate. Therefore, the said allegation is not proved, she submitted.

9. We have considered the said rival submissions made by the learned counsel appearing for both sides and perused the materials placed before this Court.



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10. If at all the objection raised by the appellant for renewal of the fitness certificate, as it expired on 26.03.2024, on the ground that it is not at all the vehicle of the appellant which claimed to have been purchased by the 1st respondent, it is a different vehicle fitted with the registration No.TNP 7374, that aspect can very well be verified by the 2nd respondent, by comparing with the Chassis number and Engine number and if those numbers are synchronized with the registration number of the vehicle concerned, then, there could be no further impediment for the 2nd respondent to renew the fitness certificate.

11. Therefore, for such an objection, the order passed by the learned Judge by giving such a direction to the 2nd respondent to renew the fitness certificate of the vehicle concerned, within a time frame, cannot be assailed successfully. Therefore, we are inclined to dispose of this appeal with the following order:-

That, while considering the direction given by the learned Judge in paragraph 10 of the order impugned, the 2nd respondent shall also consider whether the vehicle in question, is having the very same Chassis number and Engine number as has been provided in the registration certificate and based on which, on other satisfactions also, as per the rule which is in vogue, such a renewal of the fitness certificate can be undertaken by the 2nd respondent, as



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directed by the learned Judge. Since seven days time provided by the learned Judge expires, we extend the said time for further one week period from the date of receipt of a copy of this judgment and accordingly, the order passed by the learned Judge shall be complied with by the 2nd respondent, of course, with the observations and directions which we have, herein above, given in this order.

12. With these orders, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (G.A.M., J.)
22.04.2024

Index : Yes / No
Neutral Citation : Yes / No
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Note : Issue order copy on 23.04.2024.

To

The Regional Transport Officer,
Kumbakonam.



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and
G.ARUL MURUGAN, J.

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