



W.P.(MD) No.14013 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.14013 of 2024

R.N.Samynathan

... Petitioner

Vs.

- 1 The Regional Transport Officer,
O/o.Regional Transport Office,
Ramanathapuram.
- 2 The District Superintendent of Police,
O/o.The District Superintendent of Police,
Tenkasi.
- 3 The Inspector of Police
Kutralam Police Station,
Kutralam, Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of of Mandamus directing the 1st respondent herein to reissue the Registration Certificate for the vehicle bearing Reg.No.TN 65 AJ 0600 by changing the name of petitioner's father S.Ramanathan to petitioner name R.N.Samynathan by considering petitioner's representations dated 15.06.2024.

For petitioner : Mr.D.Balamurugapandi



WEB COPY

W.P.(MD) No.14013 of 2024

For respondents : Mr.S.P.Maharajan
Special Government Pleader for R1
Mr.S.Manikandan
Government Advocate (Crl. Side) for R2 & R3

ORDER

Heard learned counsel for the petitioner, learned Special Government Pleader for the first respondent and learned Government Advocate (Crl. Side) for the respondents 2 and 3.

2. The petitioner is rushed to this Court immediately on 25.06.2024 after giving representation on 15.06.2024. The said representation itself was received by the first respondent only on 20.06.2024.

3. This Court is of the view that nevertheless, this Writ Petition can be disposed of although there are technical issues involved regarding non-payment of penalty by the Driver, who was involved in drunken drive of the vehicle on 17.01.2020. As per Section 185 of the Motor Vehicles Act, 1988, the Driver, found guilty of drunken driving, shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to Rs.10,000/-, or with both. Thus, the Driver, who is guilty, has to pay



W.P.(MD) No.14013 of 2024

aforesaid fine. Despite issuance of challan and notice in this Writ Petition, the Driver has not appeared before this Court.

4. It is noticed that the petitioner's father, who was the owner of the vehicle, died on 15.08.2020. As per the Rule 56 of the Central Motor Vehicles Rules, 1989, r/w Section 50 of Motor Vehicles Act, 1988, the petitioner was required to file an application for transfer of name within one month from the date of death of his father. The petitioner has not filed such an application in time.

5. Considering the fact that the petitioner's father was the owner of the vehicle is not in dispute, and considering the fact that the only impediment is on account of delay in filing necessary forms for transfer of ownership, as is contemplated under Rule 56 of the Central Motor Vehicles Rules, 1989, the Court is of the view that the request of the petitioner deserves a fair consideration.

6. Be that as it may, the fine amount, if any payable by the driver, shall be paid by the petitioner before the Judicial Magistrate, Sengottai, without prejudice to the rights of the respondents to take steps to cancel the licence of the Driver is



W.P.(MD) No.14013 of 2024

concerned. The respondents are directed to process the application filed for name transfer within a period of four weeks from the date of receipt of a copy of this order, subject to paying any charges and penalty, that may be leviable on the petitioner for the delay in filing application.

This Writ Petition is disposed of, with above directions. No costs.

Index : Yes / No

28.06.2024

Internet : Yes / No

apd

To

- 1 The Regional Transport Officer,
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O/o.The District Superintendent of Police,
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W.P.(MD) No.14013 of 2024

C.SARAVANAN, J.

apd

W.P.(MD) No.14013 of 2024

28.06.2024