



C.R.P.(MD)No.2375 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved : 28/03/2024

Date of Pronounced : 05/06/2024

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**CORAM**

The Hon'ble Mr.Justice **G.ILANGOVAN**

**C.R.P (MD) No.2375 of 2022**

**and**

**CMP (MD) No.11493 of 2022**

M.Sarathi : Petitioner/Petitioner

Vs.

1.The Regional Transport Authority,  
Dindigul District,  
Dindigul.

2.T.Anandavel

3.Tmt.T.Jeyalakshmi

4.Tmt.R.Vasanth : Respondents/Respondents

**PRAYER:-**Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order, dated 06/01/2022 made in M.V.R.P No.4 of 2021 on the file of the Tamil Nadu State Transport Appellate Tribunal, Chennai.

For Petitioner : Mr.A.C.Asaitambi

For 1<sup>st</sup> Respondent : Mr.J.Ashok  
Additional Government Pleader

For R2 to R4 : Mr.T.Padmanababhan



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**O R D E R**

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This civil revision petition has been filed seeking to set aside the order, dated 06/01/2022 passed in M.V.R.P No.4 of 2021 by the Tamil Nadu State Transport Appellate Tribunal, Chennai.

**2.The facts in brief:-**

The vehicles bearing Nos.TN-20-AJ-3640 and TN-57-BB-5600 originally belonged to one N.K.Thangavel. He expired on 04/06/2021. One of the legal heirs of Thangavel by name T.Anandavel gave a petition before the RTO, Dindigul to transfer the vehicles in his name as per section 82(3) of the Motor Vehicles Act, 1988. Enquiry was undertaken, the legal heirs of the deceased were directed to appear before the Enquiry Officer on 08/09/2021. In the meantime, objection petition was sent by the petitioner to the RTO and the District Collector stating that there was an agreement between himself and the deceased Thangavel and his son T.Anandavel. On 06/10/2014, a total sale consideration including the permit was fixed at Rs.80,00,000/-. Advance amount of Rs.90,000/- was paid on 06/10/2014. But the vehicle was not in a running condition. So, with the consent of the owners, he made repair by spending more than Rs.5,00,000/-. On various dates, Thangavel and his son



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T.Anandavel received totally Rs.23,40,000/-. Finding that he was cheated, he made a complaint. Over which, a case in Crime No.405 of 2010 was registered. So he made his objection to change the permit.

3.During the course of enquiry, objection made by the petitioner was found not acceptable and the permit was transferred in the name of one of the legal heirs herein namely T.Anandavel, by order, dated 16/11/2021. Against which, the petitioner filed appeal before the State Appellate Tribunal, Chennai in MVRP No.04 of 2021, which came to be dismissed by the Tribunal, by order, dated 06/11/2022.

4.Against which, this civil revision is preferred.

5.Heard both sides.

6.Pending process, the matter was referred to Mediation. But there was no settlement between the parties.

7.Now a simple grievance expressed by the petitioner to the effect that subject to the result of the case in Crime No.405 of 2018, a direction may be issued by this



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court to the competent authority namely the first respondent herein to grant permission to the petitioner.

8.Per contra, the learned counsel appearing for the respondents 2 to 4 would submit that absolutely this petitioner is the third party to the permit. If really any agreement of transfer of ownership in respect of the vehicles bearing Nos.TN-57-BB-5699 and TN-20-AJ-3640 is available, the petitioner has to work out his remedy through proper proceedings. He cannot make any strong objection. He would further submit that such an objection is not maintainable. He would rely upon the the judgment reported in ***M.Muthusami Thevar (deceased) and another Vs. The Regional Transport Authority, Coimbatore and others (2004 (2) TN MAC 187)***. In that judgment, it is observed in para 6 and 7 as under:-

*"6.A perusal of the aforesaid Rules makes it clear that the application is to be filed by the intending transferor and the intending transferee. Similarly under Rule 211, the Transport Authority may summon both the parties to the application, if any doubt or suspicion is raised regarding trafficking in permit or if the transfer would be in favour of a person who is not qualified and eligible for the grant of a new*



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permit. Rule 211 makes it clear that an application is to be rejected if there is any trafficking in permit or the transfer is to a person who is not qualified to hold a new permit.

7.A combined reading of the provisions contained in [Section 82\(1\)](#) and the Rules makes it clear that only with a view to ascertain about the question relating to trafficking in permit or qualification of the transferee for the grant of new permit, enquiry is to be held and notice is to be issued. The provision do not contemplate issuance of any notice to any third person claiming right over the vehicle/permit."

and by referring to the case in C.R.P.Nos. 1052 of 1982 and 1 of 1983, the following observation is made in para 9.

"9.In C.R.P.Nos.1052 of 1982 and 4561 of 1983 disposed of on 15-4-1994, Justice D. Raju (as His Lordship then was) observed :-

" ...In the light of the above, as the rules stood at the relevant point of time when the petitioner/objector objected to the transfer, he had no



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*right or locus standi whatsoever to make any objection to the transfer he being not a party to the joint application filed and consequently could not be said to be a person aggrieved to file any appeal or the revision under the Provisions of the Motor Vehicles Act, 1939."*

9.In view of the statement of law, as mentioned above, the petitioner has to work out the remedy elsewhere and not in this petition. The objection raised by the petitioner was rightly rejected by the first respondent as well as by the Tribunal.

10.The learned Additional Government Pleader appearing for the 1<sup>st</sup> respondent would submit that the petitioner being the third party has no right of audience with regard to his objection in this matter. He would also submit that the order passed by the competent authority, as confirmed by the appellate authority is perfectly valid in law.

11.So the statement of the respondents also gains support from the order of this court in the judgment reported in **2004 (2) TN MAC 187** as mentioned above.

12.In view of the same, this civil revision fails and the same is liable to be dismissed.



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13.With regard to the request made by the petitioner that subject to the result of the investigation in Crime No.405 of 2018 is concerned, such kind of order cannot be issued. So the request made by the petitioner is also rejected.

14.In the result, this civil revision petition is **dismissed.** No costs. Consequently, connected Miscellaneous Petition is closed.

05/06/2024

Index:Yes/No  
Internet:Yes/No  
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To,

- 1.The Regional Transport Authority,  
Dindigul District,  
Dindigul.
- 2.The Tamil Nadu State Transport Appellate Tribunal,  
Chennai.
- 3.The Additional Government Pleader,  
Madurai Bench of Madras High Court,  
Madurai.
- 4.The Section Officer,  
ER/VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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G.ILANGOVAN, J

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