



W.P.(MD) No.22196 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.22196 of 2023

and

W.M.P.(MD)No.18487 of 2023

P.Jeyaraj

... Petitioner

Vs.

1.The Regional Transport Officer,
Virudhunagar Regional Transport Office,
Sulakarai,
Virudhunagar.

2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai.
(Crime No.180 of 2023)

3.B.Pradeep

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned order issued by the first respondent herein through Short Message Service from BT-VAAHAN dated 01.08.2023 and quashing the same as illegal.



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For Petitioner : Ms.K.R.Shivashankari
For R1 : Mrs.S.Jeyapriya
Government Advocate
For R2 : Mr.S.Manikandan
Government Advocate (Criminal side)
For R3 : Mr.RM.Arunswaminathan

ORDER

The petitioner has challenged the impugned SMS Message received by him over the phone black listing the Registration Certificate (RC) of the vehicle bearing Registration No.TN 58 AT 3548.

2. The subject Vehicle, according to the petitioner and the respondents, stood earlier in the name of late Mrs.B.Chandrababha. The said late Mrs.B.Chandrababha is the aunt of the petitioner i.e, one of his father's sisters. According to the petitioner, the petitioner's aunt late Mrs.B.Chandrababha during her lifetime has executed a Will dated 30.11.2021 registered as Document No.124/2021 on the file of the Sub Registrar, Thirumangalam, in favour of the petitioner and her other brothers and sisters in respect of her immovable properties. It is submitted that the late Mrs.B.Chandrababha has also gifted the subject vehicle to the petitioner.



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3. The case of the petitioner is that after the said vehicle was re-registered in the name of the petitioner, the third respondent appears to have made an application with the first respondent, pursuant to which, the impugned SMS Message has been sent stating that the subject vehicle which was earlier in the name of the petitioner's aunt late Mrs.B.Chandrabha was black listed.

4. It appears that there are rival complaints pending against the third respondent as also against the petitioner before the Thirumangalam Town Police Station, Madurai. It appears that FIR in Crime No.392/2022 was registered against third respondent, his father and two others, based on the complaint given by the purchaser of one of the properties of late Mrs.B.Chandrabha. Similarly, FIR in Crime No.467/0222 was also registered against third respondent, his father and two others, based on the complaint given by the petitioner's other aunt Ms.Kanagarathinam i.e., one of the sisters of late Mrs.B.Chandrabha. The third respondent in his turn has lodged a complaint against the petitioner in respect of subject vehicle and the same was registered as FIR in Crime No.180 of 2023.



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5. Opposing the prayer, the learned counsel for the third respondent would submit that name transfer of the subject vehicle could not have been made in favour of the petitioner as the third respondent is in possession of the originals of the Registration Certificate (RC) of the subject vehicle. That apart, he would submit that the third respondent is the adopted son of late Mrs.B.Chandrabha.

6. However, there are no records to substantiate that the third respondent was legally adopted by the petitioner's late aunt Mrs.B.Chandrabha. Be that as it may, this Writ Petition is disposed of by directing the first respondent to cause a proper enquiry and pass a fresh order on merits, within a period of 6 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

16.04.2024

Index: Yes / No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

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Copy To:

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Sulakarai, Virudhunagar.
- 2.The Inspector of Police,
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C.SARAVANAN, J.

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