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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

W.P.(MD)No.31337 of 2024

V.Sounder

...Petitioner

Vs.

1.The District Collector cum Regional Transport Authority,
Thanjavur District,
Thanajavur.

2.The Secretarty,
Regional Transport Authority,
Kumbakonam,
Thanjavur District.

3.Suriyakala

4.Manikandan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first respondent to transfer the permits in respect of Mini Stage Carriages bearing Registration Nos. TN 01 B 0367, TNP-7374 and one Toyota Qualis Car bering Registration No. TN 49 V 6585 in the Petitioner's name based on the registered Will, vide Document NO. 134 of 2024, dated 11.09.2024 on the Petitioner's application dated 8.11.2024.



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For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.J.K.Jeyaseelan
1 and 2 Govt.Advocate

For Respondents :Mr.Radha Gopalan
3 and 4 for Mr.Mohamed Ashif Iaman

ORDER

The present Writ Petition is filed for a direction, directing the first respondent to transfer the permits in respect of Mini Stage Carriages bearing Registration Nos. TN 01 B 0367, TNP-7374 and one Toyota Qualis Car bearing Registration No. TN 49 V 6585 in the Petitioner's name based on the registered Will, vide Document NO.134 of 2024, dated 11.09.2024 on the Petitioner's application, dated 08.11.2024.

2.Mr.J.K.Jeyaseelan, learned Government Advocate takes notice for the respondents 1 and 2 and M/s.Radha Gopalan, learned counsel takes notice for the respondents 3 and 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.As per the registered 'Will', dated 11.09.2024 vide document No.134 of



2024, one Nagarajan, son of Radhakrishnan owned two mini buses bearing Registration No. TN 01 B 0367 plying on the route Kumbakonam Bus stand to Naduvakkarai and the permit valid upto 06.02.2026. The bus bearing Registration No. TNP 7374 plying on the route Kumbakonam Bus Stand to Annal Agraharam and the permit valid till 20.11.2025 and one Toyota Qualis Car bearing Registration No. TN 49 V 6585. The third respondent is the wife of said Nagarajan and while he was alive, all the buses and car are maintained by the Petitioner and thereafter, the said Nagarajan had executed a 'Will' in favour of the Petitioner, dated 11.09.2024 and the same had been registered vide document No. 134 of 2024. As per the Will, all the vehicles bequeathed in favour of the Petitioner. Therefore on the strength of the Will, the Petitioner take steps to transfer the name in respect of those vehicles in his name. However, the third respondent being the legal heir of the deceased Nagarajan, objected for transfer of permit in the name of the Petitioner. When there are objection to act upon the Will, it has to be proved before the Court of Law by the beneficiary. Therefore, when the respondents 2 and 4 are claiming to be the legal heirs and objected the transfer of permits in favour of the Petitioner in respect of the vehicles which were bequeathed by the deceased Nagarajan, the Will cannot be acted upon. Further the valid permits of those vehicles come to



an end on 06.02..2026 and 20.11.2025. Futher the permits cannot be allowed to be in the name of death persons.

4. Therefore the first respondent is directed to transfer the permits of those vehicles in the name of the third respondent, who is the wife of Nagarajan within a period of 2 weeks from the date of receipt of a copy of this order. The petitioner is at liberty to probate the Will in the manner known to law. If he succeeds in the probation of Will, he can make an application before the first respondent for transfer of permit in his name.

5. With the above directions, the Writ Petition stands disposed of. No costs.

20.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
vsn

To:

1. The District Collector cum Regional Transport Authority,
Thanjavur District,
Thanjavur.

4/6



2. The Secretary,
Regional Transport Authority,
Kumbakonam,
Thanjavur District.



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G.K.ILANTHIRAIYAN., J.

vsn

W.P.(MD)No.31337 of 2024

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