

WP NO. 25629 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

WP NO. 25629 of 2011

and M.P.No.1 of 2011 and M.P.No.1 of 2015

R.V.K.Ravichandran

...Petitioner

Vs.

1.The Regional Transport Authority,
Villupuram.

2.The Secretary,
Regional Transport Authority,
Villupuram.

3.K. Elambaruthi.

4.K.Gomathi.

5.A.Amudha

6.M.Anuradha

..Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India for issuance of writ of Mandamus to direct the respondent Nos.1 and 2 herein to grant the transfer application for transfer of the permit in respect of the vehicle bearing registration No.TN-25/W-4003 plying on the route "Ulundurpet" to Sankarapuram ", spare bus bearing Registration No.TN-21/H-9977 and the two wheeler bearing registration No.TN-32/S-9338 in the name of the petitioner



WP NO. 25629 of 2011

from the name of the deceased permit holder R.V.Kannan without insisting on the no objection certificate from the legal heirs of Late R.V.Kannan.

For Petitioner: Mr.Radhagopalan

For Respondents: Mrs.P.Vijayadevi, GA for R1 and R2
Mr.P.R.Thiruneerkandan for R3 to R6.

ORDER

This petition has been filed to direct the respondent Nos.1 and 2 herein, to grant the transfer application for transfer of permit in respect of the vehicle bearing registration No.TN-25/W-4003, plying on route "Ulundurpet" to Sankarapuram ", spare bus bearing Registration No.TN-21/H-9977, and the two wheeler bearing registration No.TN-32/S-9338, in the name of the petitioner, from the name of the deceased permit holder R.V.Kannan, without insisting on the no objection certificate from the legal heirs of Late R.V.Kannan.

2. The petitioner's father one R.V.Kannan was holding stage carriage permit for plying on the route "Ulundhurpet to Sankarapuram", spare bus permit and also a two wheeler permit. The petitioner's father was operating the vehicle for about two decades. While so, the petitioner's father died on 19.01.2011, leaving behind the petitioner, his brother and three sisters.



WP NO. 25629 of 2011

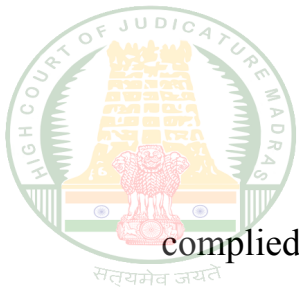
According to the petitioner, his deceased father executed a Will on 24.05.2007,

bequeathing the permits for the aforesaid three vehicles to the petitioner.

Therefore, the petitioner submitted an application for transfer of permit in his name, on 29.07.2021, after complying with all the formalities. Since the petitioner's application for transfer of permit was not considered, he submitted a representation on 08.08.2011, to the respondents no.1 and 2, for transfer of the permit.

3. Pending consideration of his transfer application, temporary permit was granted to the petitioner. However, when the petitioner insisted for permanent transfer, the petitioner was informed that he would have to produce the NOC from the legal heirs for considering his application for transfer. Meanwhile, the petitioner received a memo on 14.10.2011, from the office of the 2nd respondent, enclosing the objections of the respondents 4 to 6, to the transfer of permit in his favour. As the respondents 4 to 6 objected to the transfer of permit, the respondents kept the petitioner's application pending without passing any orders thereon. The petitioner therefore, left with no other remedy, filed the above writ petition for the aforesaid relief.

4. Learned counsel for the petitioner submitted that the respondents ought to have transferred the permit in favour of the petitioner since he



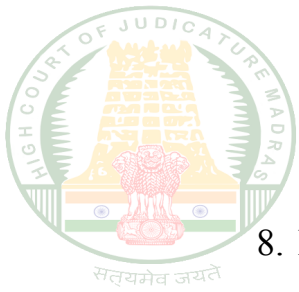
WP NO. 25629 of 2011

complied with all the conditions for transfer and that the validity of the Will, under which the petitioner claimed transfer, was not a valid ground to refuse the petitioner's request for transfer of permit, more so, when the respondents had the remedy of contesting the validity of the Will before the Civil Court.

5. The respondents 1 and 2 did not file their counter affidavit.

6. Learned Government Advocate appearing for the respondents 1 and 2, on the other hand, submitted that since objections were raised by the private respondents, they could not proceed with the transfer of the permit.

7. Learned counsel appearing for the respondents 3 to 6 submitted that the petitioner's prayer for permanent transfer should be declined and that the petitioner should be directed to operate the vehicles with temporary permit. The counsel further submitted that the parties may be directed to approach the competent Civil Court for adjudicating their respective rights, and until such adjudication by the Civil Court, the Regional Transport Authority, should be restrained from effecting the transfer of permit, as the rights of the petitioner to seek such transfer has been questioned by the private respondents.



WP NO. 25629 of 2011

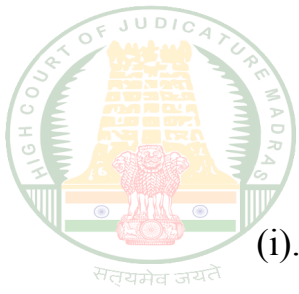
8. Heard the learned counsel for the petitioner and the learned counsel

for the respondents and perused the materials available on record.

9. The facts in the case are undisputed and the only issue is whether the petitioner is entitled for transfer of permit on the basis of the Will dated 24.05.2007, executed by the petitioner's father in his favour. No doubt, there is a dispute as to the validity of the Will, but the question is whether the said dispute would be a bar to the transfer of permit in favour of the petitioner. The respondents No.3 to 6 though have disputed the validity of the Will, have till date not approached the Civil Court for adjudicating its validity. It is trite law that questions of title, whether to movable or immovable property, fall outside the purview of the Regional Transport Authority. The Competent Authority to adjudicate the title dispute is only the Civil Court.

10. The conduct of the respondents 3 to 6 in abstaining from invoking civil Court's jurisdiction for determination of title for over fourteen years clearly betrays the lack of bonafides in their present objection, which appears to me, to be a colourable device to obstruct the petitioner from obtaining transfer of permit.

11. In view of the above, I find no merit in keeping the matter pending any longer and deem it appropriate to issue the following directions:..



WP NO. 25629 of 2011

(i). The first and second respondents are directed to transfer the stage carriage bus permit, spare bus permit and the two wheeler permit in favour of the petitioner within a period of four(4) weeks from the date of receipt of a copy of this order.

(ii). The permit so transferred shall be subject to the outcome of the civil suit, if any filed by either of the parties.

(iii). It is needless to state that the petitioner as well as the respondents are at liberty to approach the Civil Court, for settling their civil disputes, if so advised.

12. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

18.06.2025
(1/2)

Index :Yes/No
Internet :Yes/No
msv

To
1.The Regional Transport Authority,
Villupuram.

2.The Secretary,
Regional Transport Authority,
Villupuram.



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WP NO. 25629 of 2011

N. MALA, J.

msv

**WP NO. 25629 of 2011
and M.P.No.1 of 2011 and M.P.No.1 of 2015**

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