



W.P.No.17328 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.17328 of 2025

The National Matriculation Higher
Secondary School,
Rep. by its Chairman,
Mr.A.Mohamed Ali Jinna
Aanyampatti Post,
Gangavalli Taluk,
Salem District – 636 105.

... Petitioner

Vs.

1. The District Collector,
Salem District, Salem.
2. The Regional Transport Officer,
O/o. Regional Transport Office,
Attur, Salem District.

3. S.Sivaperumal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to accept the surrender of old permit and to issue a new permit with proceedings of Fitness Certificate by using online Registration Certificate without insisting Original RC in respect of the vehicles bearing registration Nos. 1) TN 54 Y 9583 (2) TN46 H 1832 (3) TN 77 A 3838 (4) TN 77 J 2598 (5) TN 77 J 1161, based on the representation dated 26.06.2024.



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For Petitioner : Mr.C.Prabakaran

For Respondents : Mrs.P.Vijayadevi
Government Advocate for R1

and R2

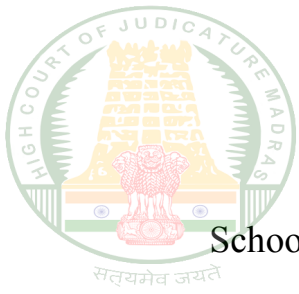
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Mr.A.Logesh for R3

ORDER

This Writ Petition has been filed for Mandamus directing the second respondent to accept the surrender of old permit and issue new permit on the basis of online registration certificate in respect of the petitioner's representation dated 26.06.2024.

2. The petitioner School was established under the Trusteeship of National Educational Trust. The petitioner School has good student strength and is providing quality education with qualified and experienced teachers and non-teaching staff. The petitioner states that the school is managed by the School Management Committee. The petitioner states that during 2016, the School Management Committee indulged in improper activities and mismanaged the School. The petitioner states that the former in-charge of the school misappropriated the trust fund and also failed to maintain proper records and therefore, the Board of Directors and the Members of the School Committee were changed and a new Committee was constituted for the administration of



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School, in terms of the Resolution dated 15.05.2023, of the Trust.

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Subsequent to the formation of new School Management Committee, the petitioner purchased five buses bearing Registration Nos. (1) TN 54Y 9583 (2) TN46 H 1832 (3) TN 77 A 3838 (4) TN 77 J 2598 (5) TN 77 J 1161 and obtained the valid permits for the School buses.

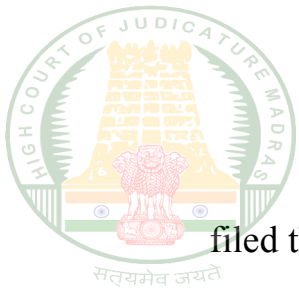
3. The petitioner further states that the other requirements like Insurance Policy, Road Tax, Green Tax and Pollution Certificate were also obtained for plying the School buses. While so, on expiry of the permit, the petitioner School took steps to renew the permit and the fitness certificate for the school buses. Meanwhile, the third respondent objected to the renewal of the permit and fitness certificate to the second respondent, stating that the School Management, had pledged the original registration certificates of the buses to him. According to the petitioner, the alleged loan transaction between the then Member of the School Management and the 3rd respondent were private transactions and there were no records to show that the alleged transaction was made through the School account. The petitioner states that because of the objections of the 3rd respondent, the petitioner was not able to renew the permit and fitness certificate for its School buses. Therefore, the



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petitioner School submitted a representation to the second respondent, for issuance of duplicate registration certificate. However, the second respondent did not furnish the duplicate registration certificate. Meanwhile, the second respondent, addressed a letter on 16.07.2024, to the third respondent calling him to produce the documents to substantiate his claim and objections. Despite the communication of the second respondent, third respondent did not hand over the original registration certificate of the School buses. Therefore, the renewal application was returned by the second respondent on 18.07.2024, directing the petitioner to produce all the original documents with other relevant school records. Under the circumstances, the petitioner filed W.P.No.30315 of 2024, seeking a direction to the second respondent, to renew the permit on the basis of the online registration certificate and not to insist on the original registration certificate of the vehicles. The above writ petition was disposed of on 09.10.2024, by directing the petitioner to produce original certificates to the respondent with further direction to the respondent to grant temporary registration certificate to the petitioner after obtaining undertaking from the petitioner. The petitioner states that in the absence of the original registration certificates, the petitioner School was finding it very difficult to operate the School buses. Hence, the petitioner School



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filed the above Writ Petition for the aforesaid relief.

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5. The third respondent filed a counter stating that the former Management (in-charge) of the School had borrowed a huge sum of Rs.30,00,000/- from the third respondent on various dates from 2017 to 2020, by pledging the original registration certificates of the School buses. The respondent submitted that if the amount borrowed by the School Management was repaid, the respondent would return the original registration certificates of the School buses. Therefore, he prayed for dismissal of the Writ Petition,

6.The facts are undisputed and the core issue involved in this case is whether the petitioner School is entitled for renewal of permit without the production of the original registration certificates, admittedly in possession of the third respondent. Even though the third respondent contends that he extended a loan of Rs.30,00,000/- to the School Management between 2017 and 2020 and in consideration of the loan, the School Management had pledged the original registration certificate of the buses, there is absolutely no iota of paper produced to prove the loan transaction. Therefore, the contention of the 3rd respondent that he



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advanced a huge loan of Rs.30 lakhs to the School Management remains unsubstantiated. However, let me examine if the contention of the petitioner that his application should be entertained on the basis of the online registration certificate, is tenable.

7. Section 194 of the Tamil Nadu Motor Vehicles Rules Act, 1989 stipulates as under:

“194. Production of permit etc.— (1) The Transport Authority sanctioning an application for renewal of a permit shall call upon the permit holder to produce the registration certificate of the vehicle or vehicles together with valid certificates of fitness and evidence for the payment of motor vehicles tax for the current quarter and the permits, and endorse the renewal in the permits and return the records to the holder. The Transport Authority shall revoke its sanction of the application for renewal, if the permit holder fails to produce the documents aforesaid within four months from the date of receipt by him of the order requiring the production of the records. The Transport Authority may delegate the powers conferred on it by sub-rule (1) to its Secretary in cases where the Secretary sanctioned the renewal of the permit. The powers referred to in sub-rule (1) shall be exercised also by the appellate or revisional authority, as the case may be, if the renewal is sanctioned by it.

From a reading of the above Section, it is clear that the petitioner has to necessarily produce the registration certificate for renewal of permit.

Rule 60 of the Central Motor Vehicles Rules, 1989, deals with endorsement of hire-purchase agreements, etc.



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"An application for making an entry of hire-purchase, lease or hypothecation agreement in the certificate of registration of a motor vehicle required under sub-section (2) of section 51 shall be made in Form 34 duly signed by the registered owner of the vehicle and the financier and shall be accompanied by the certificate of registration and the appropriate fee as specified in rule 81."

8. In the case on hand, the third respondent does not hold RC with an endorsement regarding hypothecation in the registration certificate. Based on the mere objection of the third respondent, the first respondent cannot refuse to renew the permit, because there is no endorsement of hypothecation in favour of the 3rd respondent. Pertinently, it is not the case of the 3rd respondent that he obtained such endorsement in the registration certificates. Merely because, the third respondent is retaining the original RC's on some loan arrangement of which there is no evidence, in my view the renewal of permit cannot be denied to the petitioner School. Further, if the permit is not renewed, the students would be most affected since the school will not be able to provide transportation. In view of the peculiar facts and circumstances of the case, this Court is of the view that the second respondent should consider the petitioner's application for renewal of permit on the basis of the online Registration Certificate.



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9. At this juncture, it will be relevant to refer to Section 63 of the Motor Vehicles Act, 1988. Section 63 reads as follows:-

"Section 63: Maintenance of State Registers of

Motor Vehicles:-

Each State Government shall maintain in such form as may be prescribed by the Central Government a register to be known as the State Register of Motor Vehicles, in respect of the motor vehicles in that State containing the particulars including-

- a) registration numbers ;*
- b) years of manufacture ;*
- c) classes and types ;*
- d) names and addresses of registered owners ;*
- and*
- e) such other particulars as may be prescribed by the Central Government."*

10. Since under the aforesaid Section, the second respondent is bound to maintain the registration certificate, in my view, based on the records maintained by the second respondent under Section 63 of the Motor Vehicles Act, 1989, the second respondent should consider the petitioner's application for renewal of permit and fitness certificate.



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Accordingly, the 2nd respondent is directed to consider and pass orders on the petitioner's application for renewal of permit and fitness certificate on the basis of the online registration certificate and without insisting upon the original registration certificate, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

11. With the above observations and directions, this Writ Petition is disposed of. No costs.

22.08.2025

dh

Index: Yes/No

Internet: Yes/No

To

1. The District Collector,
Salem District, Salem.
2. The Regional Transport Officer,
O/o. Regional Transport Office,
Attur, Salem District.



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N.MALA. J.

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