

WEB COPY



WP NO. 22453 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.06.2025**

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

WP NO. 22453 of 2025

P.R.Rajendran

...Petitioner

Vs.

The Registering Authority cum-
Regional Transport Officer,
Salem South,
Salem.

..Respondent

Prayer : Writ Petition is filed under Article 226 of Constitution of India for issuance of writ of Mandamus, directing the respondent herein to re-register the petitioner's bus PY-05/X-9789, without insisting for disposal of criminal case pending against the driver for fatal accident, forthwith.

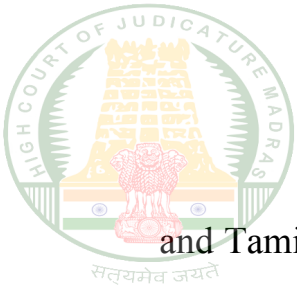
For Petitioner : Mr.K.Hariharan

For Respondent : Mr.V.Manoharan
Additional Government Pleader

ORDER

This petition has been filed to direct the respondent herein to re-register the petitioner's bus PY-05/X-9789, without insisting for disposal of criminal case pending against the driver for fatal accident, forthwith.

2. The case of the petitioner is that, he is a tour operator in Pondicherry



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and Tamilnadu, having All India and contract carriage omni bus permits issued

by the State Transport Authority, Pondicherry and Tamilnadu. The petitioner is plying buses in Tamilnadu, Puducherry and other States. On 03.04.2025, the State Transport Authority Tamilnadu, granted a fresh contract carriage permit (omni bus) valid from 01.04.2025 to 30.06.2025, with a direction to produce the valid records of the vehicle. In order to produce the valid records of the vehicle before the STA Chennai, the petitioner brought his Puducherry State registered omni bus bearing Reg.No.PY-05/X-9789, to Tamilnadu after obtaining NOC from Puducherry RTO to re-register the vehicle with the respondent.

3. The petitioner submitted the application for re~registration of the vehicle to the respondent along with all the relevant documents. The respondent called for Police report regarding the pendency, if any, of criminal cases against the petitioner's vehicle. The Police Report revealed that there was a fatal accident case pending against the driver of the bus. In view of the Police Report, the respondent communicated to the petitioner on 23.05.2025, stating that his request for re-registration would be considered only after the disposal of the fatal accident case. Since the vehicle's records had to be produced before 30.06.2025, and failure to re-register the vehicle before 30.06.2025, the permit would lapse, the petitioner filed the writ petition



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for the aforesaid relief.

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4. Learned counsel for the petitioner drew the attention of this Court to the judgment of this Court in W.P.No.18071 of 2021 dated 31.08.2021, wherein it has been held as follows:

7. In the considered view of this Court, Section 47 of the Act and the Rules does not place any restraint or restriction in the re~registration of the vehicle, where F.I.R., has been registered as against the driver of the vehicle. There is no indication in any of these provisions that, such re~registration cannot be done pending investigation in a F.I.R., by the police. The circular issued by the Transport Commissioner cannot overrule the Act and the Rules and it has to necessarily fall within the parameters of the provisions of the Act and the Rules. Even otherwise, the circular deals with a case where the vehicle is involved in a theft or other criminal case. In the present case, it is the driver who was involved in a fatal accident case and therefore, strictly speaking, even the circular will not apply to the facts of the present case.

8. In view of the above discussion, there shall be a direction to the respondent to act upon the application for re~registration of the vehicle and proceed to re~register the vehicle in accordance with Section 47 of the Act and Rule 54 of the Rules and complete the process within a period of four weeks from the date of receipt of a copy of this order.

5. Heard the learned counsel on either side and perused the materials



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available on record.

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6. Considering the similarity of facts and issue in the W.P.No.18071 of 2021, I am of the view that the aforesaid order squarely applies to the facts of the present case. In view of the same, the respondent is directed to act upon the petitioner's application dated 31.12.2024, for re-registration of the vehicle and proceed to re-register the vehicle in accordance with Section 47 of the Act and Rule 54 of the Rules and complete the process within a period of four(4) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs.

23.06.2025
(2/2)

Index :Yes/No
Internet :Yes/No
msv

Note: Issue order copy on or before 25.06.2025.

To

The Registering Authority cum-
Regional Transport Officer,
Salem South,
Salem.



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N. MALA, J.

msv

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