



W.A.No.2481 of 202

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

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CORAM
THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

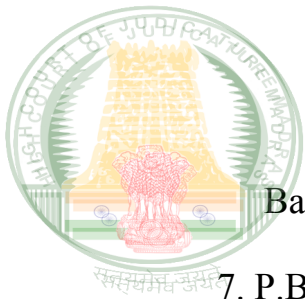
W.A.No.2481 of 2024
and
C.M.P.No.17737 of 2024

M.Surendhar

..Appellant

Vs.

1. The Road Safety & Transport Commissioner,
Ezhilagam, Chepauk,
Chennai.
2. The Regional Transport Authority
Tiruppur North Region,
Collectorate,
Tiruppur.
3. The Joint Transport Commissioner,
Coimbatore Zone,
Dr.Balasundaram Road,
Coimbatore - 641 018.
- 4.The Regional Transport Officer-cum-
Registering Authority,
Tiruppur South,
Tiruppur - 641 605.
5. The Regional Transport Officer-cum-
Registering Authority,
Tiruppur North,
Tiruppur - 641 603.
6. The Regional Transport Officer,



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Bangalore Central, Bangalore.

7. P.Balasubramaniam

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8. M/s. Krishna Motors and Services,
No/27, Murugapalayam, Avinashi Road,
Tiruppur.

..Respondents.

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P.No.12741 of 2024 dated 01.07.2024 and thereby direct the respondents 1 to 5 to take action against the respondents 7 and 8 under Sections 55 and 192(B) of the Motor vehicles Act in view of the letters dated 11.09.2023 and 01.12.2023 on the file of the 1st respondent and based on the representation of the appellant dated 09.06.2023 and on subsequent dates within a time frame as may be fixed by this Court.

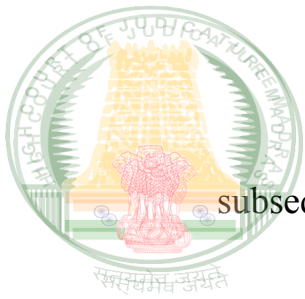
For Appellant : Mr.T.Mohan,
Senior Counsel
for Mr.Varun Ganesh Samiappa

For Respondents : Mr.M.Venkateswaran,
Spl.Govt.Pleader for R1 to R6
Mr.Hariharan for R7
Mrs.T.Kokilavane for R8

JUDGMENT

(The Judgment of the Court was delivered by J.Nisha Banu,J.)

This Writ Appeal has been filed to set aside the order passed in W.P.No.12741 of 2024 dated 01.07.2024 and thereby direct the respondents 1 to 5 to take action against the respondents 7 and 8 under Sections 55 and 192(B) of the Motor Vehicles Act in view of the letters dated 11.09.2023 and 01.12.2023 on the file of the 1st respondent and based on the representation of the appellant dated 09.06.2023 and on



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subsequent dates within a time frame as may be fixed by this Court.

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2.1 Learned counsel for the appellant would state that the appellant is working at a transport company in Tiruppur. The 7th and 8th respondents herein had made arrangements and have been processing the transfer of ownership of vehicles. The 7th respondent has fraudulently obtained ownership of Omnibus having registration No.KA01 AJ 4682, and now re-numbered as TN42 AD 2999 wherein, the 8th respondent, being a stage carrier and plies buses in Tiruppur, bought a sleeper, AR 06 B 6080, now re-numbered as TN 39 CV 0919, seater bus. The appellant bought this to the notice of the 4th and 5th respondents, as the previous owners of the vehicles submitted by the 7th and 8th respondents were not the genuine owners as per the chassis data.

2.2 Learned counsel for the appellant would further state that the transfer of the ownership and documents submitted by the 7th and 8th respondents were not properly verified by the 4th and 5th respondents. Though the 1st respondent has sent a communication dated 01.12.2023 directing the 3rd respondent to take appropriate action on the complaint given by the appellant dated 22.09.2023 and 14.10.2023 and communicate the action taken to the appellant, the 3rd respondent has not taken any action. Hence, the appellant/ petitioner filed a writ petition before this



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Court and this Court, had dismissed the writ petition stating that the petitioner has to go before the appropriate forum by filing Public Interest Litigation.

3. Heard both sides.

4. The main contention of the petitioner is that the transfer of the ownership and documents submitted by the 7th and 8th respondents were not properly verified by the 4th and 5th respondents. Though the 1st respondent has sent a communication dated 01.12.2023 directing the 3rd respondent to take action on the complaint of the appellant dated 22.09.2023 and 14.10.2023, the 3rd respondent has not taken any action. Further, since the order in the writ petition has been passed on merits, the petitioner is not able to file a Public Interest Litigation.

5. At this juncture, it is relevant to extract paragraph No.8 and 9 of the order passed in W.P.No.12741 of 2024 dated 01.07.2024, which reads as follows:

8. Further, the authority has clearly found that the vehicle bearing registration No.KA01 AJ 4682 is the Educational Institution Bus with RLW 8100 Kgs and the same was rightly



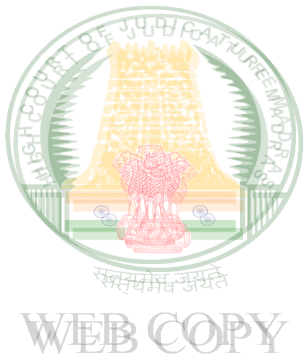
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re-registered as TN-42 AD 2999 by the 4th respondent and the same is in order without any latches. Also with respect to the complaint given by the petitioner to the effect that 'sleeper class omni-bus' was registered as seated bus by violating Section 52 of Motor Vehicles Act 1988, As per the registration number AR 06 B 6080 by the Registering Authority Subasiri of Arunachala Pradesh, the class of vehicle is mentioned as 'Bus' and not as Omni Bus and the seating capacity is clearly mentioned as 59 and standing and sleeping are mentioned as '0'. The transport commissioner in his circular no.25/2001 in R.No.72414/2000 dated 25.08.2001 instructed to permit alterations in seating capacity of the vehicle, which does not result in the basis features of the vehicle.

9. As it is seen that both the claim made by the petitioner has been clarified and accordingly, this Court is of the view that there is no such case/ complaint has been made out by the petitioner and if at all the petitioner is representing on behalf of general public, the petitioner shall file a petition by way of Public Interest Litigation and not by filing this petition making such allegation. Further, the claims made by the petitioner is nullified by the counter herein the appropriate orders have been issued by authorities only after considering the materials



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available on record and as per the Act and hence the Writ Petition filed by the petitioner has to be dismissed as devoid of merit. Further, if the petitioner has any right under the Act, it is left open to the petitioner to approach the authorities in the manner known to law.

6. From the above, it is seen that the learned single Judge has dealt with the issue on merits and dismissed the writ petition. However, had observed that if at all the petitioner is representing on behalf of general public, the petitioner shall file a petition by way of Public Interest Litigation.

7. Now, the grievance of the appellant is that since the order in the writ petition has been passed on merits, the appellant is not able to file a Public Interest Litigation. However, the learned counsel for the appellant would state that it would be suffice if a direction is given to the 3rd respondent/Joint Commissioner to consider the representation of the appellant dated 15.04.2024 within a time frame to be fixed by this Court, for which, the learned Special Government Pleader appearing for the 1st to 6th respondents has no objection.

8. Considering the above submission, we direct the 3rd



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respondent to consider the appellant's representation dated 15.04.2024 and pass orders on merits and in accordance with law, by giving personal hearing to the appellant as well as the 7th and 8th respondents, within a period of eight weeks from the date of receipt of a copy of this order, uninfluenced by the order dated 01.07.2024 passed in W.P.No.12741 of 2024. Accordingly, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B.,J.] [M.J.R.,J.]
30.07.2025

vsi
Speaking order/Non-speaking order
Neutral Citation:Yes/No

To

1. The Road Safety & Transport Commissioner,
Ezhilagam, Chepauk, Chennai.
2. The Regional Transport Authority
Tiruppur North Region, Collectorate, Tiruppur.
3. The Joint Transport Commissioner,
Coimbatore Zone,
Dr.Balasundaram Road,
Coimbatore - 641 018.
- 4.The Regional Transport Officer-cum-
Registering Authority,
Tiruppur South, Tiruppur - 641 605.
5. The Regional Transport Officer-cum-



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Registering Authority,
Tiruppur North,
Tiruppur - 641 603.

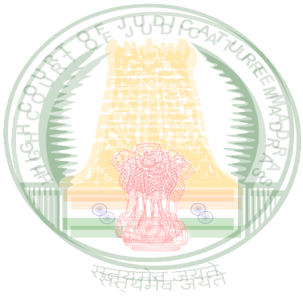
6. The Regional Transport Officer,
Bangalore Central, Bangalore.

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