



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 08.10.2025

Order pronounced on : 28.11.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.4038 & 4200 of 2022

& CMP.No.20951 of 2022

CRP.No.4038 of 2022:

- 1.P.Janaki
- 2.R.Ramani
- 3.S.Sulochana
- 4.V.Latha
- 5.R.V.Lakshmi
- 6.P.Vignesh

... Petitioners

Vs.

1.The Regional Transport Authority,
Tiruvannamalai,
Tiruvannamalai District.

2.R.V.Kuppusamy

3.R.V.Janarthanam

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order of the State Transport Appellate Tribunal, Chennai, made in M.V.Appeal No.18 of 2022 dated 15.10.2022, directing

the 1st respondent to transfer the permit in favour of the 3rd respondent in respect of the state carriage, bearing Regn.No.TN-25-AZ-6395, plying on 1/34



the route Devikapuram to Sathanur.

CRP.No.4200 of 2022:

P.Vignesh

... Petitioner

Vs.

1.The Regional Transport Authority,
Tiruvannamalai District,
Tiruvannamalai.

2.The Secretary,
Regional Transport Authority,
Arni, Tiruvannamalai District.

3.R.V.Janarthanam

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order of the State Transport Appellate Tribunal, Chennai, made in M.V.Appeal No.17 of 2022 dated 15.10.2022, confirming the order of the Regional Transport Authority, Tiruvannamalai, made in R.No.263/A2/2021, dated 11.07.2022 and direct the Regional Transport Authority, Tiruvannamalai to transfer the permit in favour of the petitioner in respect of the stage carriage, bearing Regn.TN-25-AZ-6395, plying on the route Devikapuram to Sathanur.

For Petitioners : Mr.M.Palani in both CRPs

For Respondents : Mrs.Radha Gopalan for R3 in both CRPs
Mr.N.Muthuvel
Government Advocate (CS) for R1
in CRP.No.4038 of 2022
& for RR1 and 2 in CRP.No.4200 of 2022
No appearance for R2 in CRP.No.4038 of 2022



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COMMON ORDER

These revision petitions challenge the order of the State Transport Appellate Tribunal, Chennai, directing the 1st respondent/Regional Transport Authority, Tiruvannamalai, to transfer the permit in favour of the 3rd respondent, in respect of stage carriage bearing Regn.No.TN-25-AZ-6395, plying on Devikapuram - Sathanur route.

2.I have heard Mr.M.Palani, learned counsel for the petitioners in both the revision petitions, Mrs.Radha Gopalan, learned counsel for the 3rd respondent in both the revision petitions and Mr.N.Muthuvel, learned Government Advocate (CS) for the 1st respondent in CRP.No.4038 of 2022 and respondents 1 and 2 in CRP.No.4200 of 2022.

3.Mr.M.Palani, learned counsel appearing for the revision petitioners in both the revision petitions would submit that admittedly the mother of the parties was holding the permit for the above said route. The mother was survived by two sons and five daughters and it is alleged by the grandson,



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P.Vignesh, through one of the daughters, that the mother had executed a Will, bequeathing the said permit to the said grandson. He would invite my attention to a writ petition filed by the mother, Baby Saroja in W.P.No.15436 of 2015, where one of the daughters sought for return of the Registration Certificate and Renewed Stage Carriage Permit for the period 12.01.2016 to 11.01.2021 and also the Insurance Policy relating to the vehicle bearing Regn.No.TN-25-AZ-6395. The said writ petition was disposed of by this Court, holding that pendency of the civil suit for partition will not come in the way of the authority to return the documents to the permit holder and the writ petition came to be allowed. Subsequently, the said Baby Saroja, the mother died on 30.08.2021. On her demise, the sons of R.V.Janarthanan and R.V.Kuppusamy sent death intimation letter to the authority and the grandson, P.Vignesh independently informed the authority about the demise of Baby Saroja, basing his claim on a registered Will and a no objection from his mother, Janaki. He also staked a claim for transfer of the permit. Subsequent to the death intimation issued by the sons, one of them namely R.V.Janarthanan alone applied for transfer of permit in his name, enclosing the legal heirship certificate. Even according to Mr.Palani, learned counsel for the petitioner, all the daughters had given no objection for transfer of permit in favour of P.Vignesh, the grandson. The son R.V.Janarthanan



therefore filed W.P.No.21703 of 2021 before this Court and this Court, by

order dated 06.12.2021, directed the 1st respondent to decide the applications filed by both the son R.V.Janarthanan as well as the grandson, P.Vignesh, within a period of six months, in accordance with law and especially, in the context of Section 82 of the Motor Vehicles Act, 1988 and Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989, after giving opportunity to the both the parties, as well as the other legal heirs.

4.This Court, in the meantime, directed that the vehicle shall be permitted to be plied by the writ petitioner, as an interim arrangement and by giving such a permission to the petitioner, it would not confer any right on the petitioner, as the decision has to be taken by the 1st respondent, on merits, after conducting due enquiry. According to the learned counsel for the revision petitioner, a hearing was conducted on 26.02.2022 and it was found that the son R.V.Janarthanan had not complied with Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989 and hence, his application was rejected. Similarly, the application filed by the grandson was also rejected, since the truth and genuineness of the Will had to be decided only by the competent Civil Court and there was no such provision under the Motor Vehicles Act or



Rules made thereunder. Aggrieved by the said order of the authority, both the son as well as the grandson filed appeals seeking transfer of the permit in their respective names.

5.The Tribunal finding that the authorities are required to find out whether the person making the application has succeeded to possession of the vehicle, in terms of Section 82(3) of the Act, interpreted the expression “succeeding in possession” and following the ratio laid down in W.P. (MD)Nos.10526 & 10527 of 2012 dated 01.02.2013, proceeded to hold that succession contemplated under Section 82(3) of the Act was possession referable to definition or expression “owner” under Section 2(30) of the Act and also found that the grandson, who relied on the Will, by producing a No Objection Certificate from the mother, was blowing hot and cold and ultimately found that physical possession was only with the son and not the grandson and therefore, the son alone would qualify to be legal heir succeeding to possession, allowed the appeal filed by the son and dismissed the appeal filed by the grandson.

6.Mr.M.Palani, learned counsel for the petitioners would first and foremost contend that the Tribunal has not adverted its attention to the entire order passed in W.P.(MD)Nos.10526 10527 of 2012 and has culled out a



stray paragraph from the said order and has placed reliance on the same. He would also attack the findings of the Tribunal that the grandson was not sure about the Will, as he had obtained a No Objection Certificate from the mother. In this context, Mr.M.Palani, learned counsel for the petitioners would submit that under the Will, the mother Baby Saroja had bequeathed the permit to the daughter, P.Janaki as well as the grandson, P.Vignesh and in such circumstances, the mother, P.Janaki had given her consent for transfer of permit in favour of one of the beneficiaries, namely the grandson.

7.It is therefore the contention of Mr.Palani, learned counsel for the petitioners that the Tribunal has not focussed on the relevant facts and circumstances in a proper perspective and has misconstrued the orders passed in the earlier writ petitions, in dismissing the appeal preferred by the petitioner, grandson and by allowing the petition filed by the son of Baby Saroja. He would further submit that all the original documents pertaining to the vehicle, including the permit were only available with the grandson and without even adverting to the said crucial issue, the Tribunal has ordered transfer of permit in favour of the son, R.V.Janarthanan. He would also refer to the order passed in W.P.27350 of 2021 dated 06.01.2022 and contend that when this Court had specifically directed the authority to dispose of the



applications of the son and the grandson, in terms of Section 82(3) and Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989, the authority, admittedly, without the consent of affidavits, has proceeded to transfer the permit in favour of the one son alone and the same is contrary to not only the statute and Rules framed thereunder, but also to the order passed by this Court in the said writ petition.

8.Mr.M.Palani, learned counsel for the petitioners would also state that the Tribunal has wrongly interpreted the phrase “succeeding to possession” and when more than one legal heir is available, then all of them would succeed, unless the other legal heirs give consent for transfer of permit in the name of one of the legal heirs. He would therefore state that Rules 214 of Tamil Nadu Motor Vehicles Rules, 1989 has been flouted, despite specific directions issued by the writ court, as between the parties to the lis. He would also rely on Rule 215, which enables the authority to issue a duplicate permit, when the permit is lost and the Rule contemplates three scenarios and none of the three scenarios were available to enable the son, R.V.Janarthanan to get a duplicate permit in his name and the authority has grossly erred in issuing a duplicate permit, contrary to the letter and spirit of Rule 215 of Tamil Nadu Motor Vehicles Rules, 1989. He would therefore



submit that the Tribunal has clearly fell in error in directing transfer of permit in favour of the son, in the absence of fulfillment of the mandate of both Section 82(3) of the Act as well as Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989. He would therefore pray for the revisions being allowed. He would also place reliance on the following decisions:

- 1.Metpalli Lasum Bai and others Vs. Metapalli Muthaih (D) by LRs, reported in 2025 SCC Online SC 1488.*
- 2.S.Parthasarathy Aiyar Vs. M.Subbaraya Gramany and another, reported in Volume XVII L.W. Page 763.*
- 3.Fateh Bibi Vs. Charan Dass, reported in AIR 1970 SC 789.*
- 4.K.M.Anbarasu Vs. The Regional Transport Authority, Dharmapuri in CRP.Nos.1081, 1082 & 1115 of 2020 dated 25.11.2022.*
- 5.Kavitha Anantharamakrishnan Vs. M.Harikrishnan and others in CRP(NPD).No.3869 of 2023 dated 25.07.2024.*
- 6.P.Thandava Chetty Vs. The Regional Transport Authority, Salem and others in W.A.No.342 of 1985 dated 23.04.1985.*

9.Per contra, Mrs.Radha Gopalan, learned counsel appearing for the

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3 respondent in both the revisions would submit that there is no error committed by the Tribunal in directing transfer of permit in the name of the son. She would further state that admittedly both the son as well as the grandson were unable to produce the requisite consents from the other legal heirs. In the case of the son, he could produce no objection only from his brother, whereas in the case of the grandson, he was able to produce the

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consent only from the five daughters and not from the two sons. Therefore,

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learned counsel for the 3 respondent would submit that it is a peculiar case where it was impossible to have complied with the mandate of Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989 and moreover, civil suits are pending with regard to partition and in the said suit, the question of genuineness of the Will under which the the grandson claims, will have to be tested and unless and until, the grandson succeeds in establishing the truth and genuineness of the Will of Baby Saroja and the suit for partition is dismissed, the grandson can never claim himself to be a person succeeding to possession in terms of 82(3) of the Act.

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10.The learned counsel for the 3 respondent would further state that when a person claims to succeed to possession, no intimation is required and merely because the death intimation was given by two sons, it was inconsequential and immaterial, as the application for transfer of permit was made only by one of the sons. Section 82(3) of the Act, according to the

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learned counsel for the 3 respondent, pertains only to transfer of permit and not intimation of death. She would therefore state that the Tribunal had rightly relied on the order passed by this Court in W.P(MD).Nos.10526 & 10/34



10527 of 2012 and when the 3rd respondent had established that he was in physical possession of the vehicle and there was also a direction to hand over the originals and the officials attempted to retrieve the documents from the grandson, the grandson conveniently evaded to give the documents and only in such circumstances, the duplicate permit was issued, to enable the petitioner to ply the vehicle in the permitted route.

11. The learned counsel for the 3rd respondent would also contend that though this Court had directed the authority to follow Section 82(3) of the Act as well as Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989, Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989 is only directory and not mandatory, as it relates to procedure and when it was practically impossible for either of the parties to comply with Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989, the order passed by the Tribunal in the given circumstances does not call for interference. She would further state that Baby Saroja, during her last days, was living with one of her daughters, Janaki and therefore, custody of all the documents pertaining to permit and vehicle were only at the residence of the said daughter, P. Janaki. According

to the learned counsel for the 3rd respondent, the Will is fabricated document,



taking advantage of Baby Saroja staying with P.Janaki, they have stage managed to create a Will and knock off the vehicle as well as the permit unto themselves.

12.The learned counsel for the 3rd respondent would also state that the partition suit has now been amended to include the permit, which is the subject matter of the present revisions as well and therefore, the two civil suits, which are now pending, will have to be tried and subject to the decision rendered by the competent civil Court alone, the revision petitioner can stake a claim for transfer of permit in his name and not otherwise. She would also fairly state that the entitlement of the 3rd respondent, to continuance of permit in his name, is only subject to the result of the civil litigation. She would also rely on the following decisions:

1.K.Vediammal and others Vs. The Regional Transport Authority, Dharmapuri, reported in 1989 Writ L.R-94.

2.K.Kumar Vs. Poomani and others in W.A.No.1511 of 2009 dated 28.10.2009.

3.The Regional Transport Authority, Salem and others Vs. Secretary to Government, State of Tamilnadu, Home, P & E (Tr.III) Department, Chennai in W.P.Nos.620, 621 & 1411 of 2007 dated 30.04.2020.

4.P.V.Kalyan Vs. State of Tamil Nadu, Represented by its Secretary, Home, P & E (Tr.III) Department, Chennai and others in W.P.(MD)No.10526 of 2012 dated 01.02.2013.

5.R.V.Janarthanam Vs. The Regional Transport



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Authority, Tiruvannamalai and others in W.P.No.21703 of 2021 dated 06.12.2021.

6.G.Somasundaramudaliar Vs. The Regional Transport Authority, District Collector, Collectorate, Nagapattinam District and others in W.P.No.1378 of 2022 dated 03.02.2022.

7.G.Somasundara Mudaliar Vs. The Regional Transport Authority, District Collector, Collectorate, Nagapattinam and others in W.A.No.2269 of 2022 dated 13.10.2022.

8.Kavitha Anantharamakrishnan Vs. M.Harikrishnan and others in CRP.(NPD).No.3869 of 2023 dated 25.07.2024.

9.A.Jameela Beevi (Died) and another Vs. The Regional Transport Authority, Tiruchirapalli in CRP.No.162 of 2022 dated 25.10.2024.

10.G.Parvatham (Deceased) and another Vs. The Regional Transport Authority, Salem in W.P.No.24853 of 2021 dated 09.12.2024.

11.P.V.Kalyan Vs. The Regional Transport Authority, Pudukottai and others in W.A.(MD).No.175 of 2013 dated 12.08.2013.

12.R.V.K.Ravichandran Vs. The Regional Transport Authority, Villupuram and others in W.P.No.25629 of 2011 dated 18.06.2025.

13.K.Senthil Arumugam Vs. The Regional Transport Authority, Tirunelveli District and others in W.P.(MD).No.20064 of 2023 dated 07.09.2023.

13.I have carefully considered the submissions advanced by the learned counsel on either side.

14.It is not in dispute that the permit holder was originally one Baby Saroja, the grandmother of the revision petitioner in both the revisions. According to the learned counsel for the revision petitioner, his grandmother



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has executed a registered Will in his favour as well as in favour of his mother, P.Janaki and under the said Will, the permit as well as the vehicle in question, have been bequeathed to the revision petitioner and his mother. As the permit can be transferred only in an individual name, the mother of the petitioner has given consent for transfer of the permit in the name of the revision petitioner, grandson. All the other daughters of Baby Saroja have also expressed no objection for transfer of permit in favour of the grandson. However, the two sons have not consented to transfer of permit based on the Will, which is the subject matter of the dispute in two civil suits, namely O.S.No.31 of 2013 and O.S.No.82 of 2021. O.S.No.82 of 2021 has been filed by the son, to declare the alleged Will of Baby Saroja dated 09.07.2021 as null and void and for a permanent injunction to restrain the defendants from interfering with the 3rd respondent's peaceful possession.

15. Another suit has been filed in O.S.No.31 of 2013 before the District Judge, Tiruvannamalai and the same has been transferred and renumbered as O.S.No.2 of 2018, which is pending before the Mahila Court and the said suit is for partition filed by the other son, R.V.Kuppusamy and in the said suit, the subject vehicle has been included as one of the items of



property, by way of amendment. Both the suits are admittedly pending.

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16. In order to appreciate the contentions of the learned counsel appearing for the parties, it would be relevant to extract Section 82(2) of the Motor Vehicles Act, 1988, as well as Rule 214 of the Tamil Nadu Motor Vehicles Rules, 1989 hereunder, for easy reference.

“82. Transfer of permit;-

(2) Where the holder of a permit dies, the person succeeding to the possession of the vehicle covered by the permit may, for a period of three months, use the permit as if it had been granted to himself:

Provided that such person has, within thirty days of the death of the holder, informed the transport authority which granted the permit of the death of the holder and of his own intention to use the permit:

Provided further that no permit shall be so used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder.

Rule 214:

214. Transfer of permit on death of permit holder.— (1) An application for the transfer of permit under sub-section (3) of section 82 shall be accompanied by the fee specified in the Table under rule 279 together with the certificate of death of the permit holder issued by the competent authority a heirship certificate Issued by an officer of the revenue department not below the rank of a Tahsildar and "No objection Certificate" from all the legal heirs other than the applicant, if there are more than one legal heir to the deceased permit holder. If in such cases, the permit has been endorsed or extended under the provisions of these rules, the endorsement or extension shall cease to have effect on the date of transfer unless the



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Transport Authority which granted the endorsement or extension directs that it shall be continued,

If the Transport Authority allows the transfer of the permit it shall call upon the applicant to produce, within four months from the date of receipt of the other sanctioning the transfer, the certificate Of registration of the vehicle with the particulars of the transfer of ownership of the vehicle stated thereon together with valid certificate of fitness and proof for the payment of the current tax under the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974) and the permit. In the event of the applicant failing to produce the relevant records within the period of four months aforesaid, the transport authority shall revoke the sanction.

The Transport Authority may delegate the power conferred upon it under sub-rule (2) to its Secretary in cases where the Secretary has sanctioned the transfer of permit.

The powers referred to in sub-rule (2) shall also be exercisable by the appellate or revisional authority, as the case may be, if the transfer of permit is allowed by such authority”

17. In the present case, though this Court in W.P.No.21703 of 2021, which was filed by the son, R.V.Janarthanan, directed the authority to decide both the request for transfer, namely one by the son and one by the grandson, in accordance with law with Section 82(3) of the Act and Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989, after giving an opportunity to both the parties and also the other legal heirs, I am unable to countenance the submission of Mr.M.Palani, learned counsel for the revision petitioner that the Tribunal has not adhered to the mandate of Section 82 of the Act as well as Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989.



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18.As rightly pointed out by Mrs.Radha Gopalan, it was practically not possible, in view of the peculiar facts and circumstances of the case for either party to comply with the mandate of Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989, by procuring consent affidavits of all other legal heirs. Admittedly, there is rivalry between the parties and two civil suits are already pending, one for partition and another to declare the Will executed by the original permit holder, as null and void. Therefore, at the outset, I do not think that the Tribunal has committed any error in setting aside the order of the authority in rejecting both the applications, for want of compliance of Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989 and also satisfaction of mandate of Section 83(2) of the Act.

19.No doubt, as contended by Mr.M.Palani, learned counsel for the revision petitioner, the Tribunal has not noticed the fact that the learned Judge, after referring to the earlier decisions of this Court, did not choose to follow the ratio laid down in the earlier cases, as in all the three decisions discussed in the said order, the effect of definition of 'owner' under Section 2(30) of the Motor Vehicles Act was not considered. However, even though the Tribunal may have committed an error in not appreciating the ratio laid down by this Court in *P.V.Kalyan's case*, I am unable to find that the said

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irregularity has affected the final decision arrived at by the Tribunal, for the simple reason that admittedly, the petitioner is not a legal heir entitled to straight away claim that he is entitled to succeed to possession of the vehicle. His right would accrue only upon establishing the truth and genuineness of the Will, in the presence of the legal heirs of Baby Saroja. Strangely, the grandson has so far not filed any petition before the District Court, to validate the Will of Baby Saroja. On the contrary, it is the 3rd respondent who has filed a suit to declare the said Will, as null and void and for consequential relief of permanent injunction.

20. Be that as it may, the said suit is pending as on date and there is yet another suit filed by the other son of Baby Saroja seeking partition and even in the said suit, the subject permit, as well as the vehicle are now included in the schedule of properties. Therefore, in view of the ratio laid down by this Court in *P.V.Kalyan's* case, that succession to possession contemplated under Sections 82(2) and 82(3) of the Act can only be referable to definition of 'owner' under Section 2(30). Therefore, the ultimate finding of the Tribunal that the petitioner cannot claim to be a person succeeding to possession cannot be faulted.



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21.The Tribunal has found that the authority has issued duplicate permit and even before this Court, the petitioner has admitted that the

vehicle is being run only by the 3rd respondent and it is only custody of the original documents, that alone are claimed to be with the petitioner. In such circumstances, I do not see any error or irregularity in the direction issued to

the authority to transfer the permit in the name of the 3rd respondent. At the same time, as already held by this Court in W.P.No.27350 of 2021 and the mere fact that the permit has been directed to be transferred in the name of

the 3rd respondent, it will not clothe him with any advantage or right and the transfer is subject to the final decision in the civil suits.

22.The Hon'ble Supreme Court in Metpalli Lasum Bai's case, held that when the Will is a registered document, there is a presumption regarding genuineness thereof and therefore, the Will should be acted upon. However, I do not see how this decision would come to the aid of the revision petitioner because in the said decision, the Will had been tested before the competent Court and the trial Court had accepted due execution of the Will, based on the evidence led before it. In such circumstances, taking note of the



fact that the Will is also registered, the Hon'ble Supreme Court held that such Will, in the absence of suspicious circumstances shown by the caveator/defendant, had to be accepted.

23.The Hon'ble Division Bench of this Court in *S.Parthasarathy Aiyar's case*, stated supra, held that a Will is a perfectly valid document and the executor under it can deal with the property and give perfectly good title, though it may be that to complete title it requires probate to be taken out at later date. This decision also was based on the fact that the Will, though denied by the 2nd defendant, was accepted as genuine by the trial Court. In the present case, the 3rd respondent has already filed a civil suit, attacking the truth and genuineness of the Will and admittedly, the revision petitioner has not moved for probate of the said Will. Therefore, this decision also would not come to the rescue of the revision petitioner.

24.In *Fateh Bibi's case*, stated supra, the Hon'ble Supreme Court was confronted with a question as to when succession opens to the estate of the deceased and whether the provisions of the Hindu Succession Act would even apply. Therefore, the facts of the said case are not in any manner helpful to the present case on hand.



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25. In *K.M. Anbaru's case*, stated supra, this Court held that if permits are transferred notwithstanding withdrawal of no objection, then it would amount to non-compliance of pre-condition under Section 82(2) of the Act and the validity of the permit for four months, before which the ownership has to be substantiated, by procuring consents from other legal heirs is required. In the said decision, this Court has held that inconvenience caused to the public, in the event of the permit being cancelled was of no consequence, as the bus operator is undertaking a commercial venture and though the Motor Vehicles Act is intended for public convenience, the transfer of permit cannot be allowed, without the consent of the legal heirs, which is mandatory under Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989.

26. There is no doubt that the requirement of Section 82(2) of the Act as well as Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989, is a pre-condition as well as mandatory. However, when it is not possible for effecting compliance of the provisions, in view of the peculiar facts and circumstances of the case, the vehicle being shown to be in the possession of

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the 3 respondent and the authority also having issued a duplicate permit in
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the name of the 3rd respondent, who continuous to ply the vehile in the permitted route all these years, I do not find that the Tribunal has committed an error, by not following the mandate of Section 82(2) of the Act as well as Rule 214 of Tamil Nadu Motor Vehicles Rules, 1989.

27. In fact, the decisions, that have been relied on by the learned counsel for the 3rd respondent, have all been on the premise that if the permit is not transferred and it stands forfeited, then the general public, who are using the services of the operator would be put to inconvenience and hardship and therefore, public interest should also be considered, while deciding an application for transfer of permit. However, I do not even deem it necessary to go into the issue of public interest in the present case, for the simple reason that the 3rd respondent is admittedly plying the vehicle and the only stumbling block for the 3rd respondent is the Will projected by the revision petitioner. Unless the 3rd respondent succeeds in establishing the truth and genuineness of the Will, he cannot claim to be entitled for transfer of permit in his name.



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28.This Court, in *Kavitha Anantharamakrishnan's case*, stated supra, held that if there is any claim to a permit under a Will or a testamentary instrument, then the same has to be proved before the competent Court. Though reliance was placed on the judgment in *P.Thandava Chetty's case*, stated supra, the Court appointed a Receiver by consent of parties and therefore, I do not see how this decision would be of assistance to the revision petitioner. Similar view that unless the Will is proved, the beneficiary under the Will cannot seek for transfer of permit in his name was also taken in *Jamila Bibi's case* stated supra.

29.In *G.Parvatham's case*, cited supra, this Court finding that there is a suit for partion pending, directed the petitioner to maintain accounts and submit the same before the trial Court to enable the Court to pass necessary orders at the time of disposing of the suit for partition and mesne profits.

30.In *R.V.K.Ravichandran's case*, states supra, this Court held that when there a dispute with regard to the validity of the Will, then permit cannot be transferred, based on the Will and it has to await the outcome of the civil suit.

31.Similarly in *K.Senthil Arumugam's case*, stated supra, this Court

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permitted transfer of the stage carriage permit, subject to the decision in the partition suit.

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32. In view of the ratio laid down by this Court consistently, there can be no second opinion that the revision petitioners' right to seek for transfer of permit would arise only upon the Will being established in a manner known to law. This can be done admittedly in the suit filed by the 3rd respondent, challenging the same Will executed by Baby Saroja as null and void.

33. This Court, even in the earliest writ petition in *D. Naveen Kumar Vs. The Regional Transport Authority, Vellore*, in *W.P.No.27350 of 2021* dated 06.01.2022, had protected the rights of the 3rd respondent and thereafter, though the authority rejected the applications of both the sons as well as the grandson and the Tribunal, taking note of the various decisions of this Court, came to the conclusion that the permit can be transferred in the name of the 3rd respondent.



34.Further, Mr.N.Muthuvel, learned Government Advocate, on instructions, would also submit that after the Tribunal allowed and directed the transfer of permit in the name of the son, R.V.Janarthanan. Proceedings were issued, calling upon the revision petitioners to hand over the original records to enable the transfer, as directed by the Tribunal. However, the revision petitioner has not complied with the said request made by the authority and therefore, the Regional Transport Officer, Arni, has stated that the request of the son, R.V.Janarthanan to issue duplicate RC book has been acceded to, consequent to refusal of the revision petitioner to hand over the RC book and the permit.

35.In such circumstances, I am unable to find fault with the authority to have issued a duplicate permit under Rule 215 of Tamil Nadu Motor Vehicles Rules, 1989, even though the case did not fit within any of the three categories, enumerated under Rule 215 of Tamil Nadu Motor Vehicles Rules, 1989. The arguments of Mr.Palani, learned counsel for the petitioners, in this regard therefore, cannot be countenanced. I do not find any infirmity in the findings arrived at by the Tribunal, warranting interference in revisions. It is however made clear that the continuance of permit in the name of the 3rd respondent is subject to the decision with regard to the truth and genuineness

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of the Will, which will be ultimately tested in the suits in O.S.No.2 of 2018 and O.S.No.82 of 2021. Considering the fact that suits are pending for past several years and also to avoid multiplicity of proceedings, invoking my power under Article 227 of Constitution of India, I *suo motu* transfer the suit pending in O.S.No.82 of 2021 from the file of the District Munsif Court, Arni, to the file of the Mahila Court, Tiruvannamalai, to be jointly tried along with O.S.No.2 of 2018 (formerly O.S.No.31 of 2013 before the District Judge, Tiruvannamalai) and in the event of the petitioner succeeding ultimately, he shall be entitled to seek for rendition of accounts, right from the date of the permit being transferred in the name of the 3rd respondent, without even limitation being put against him.

36. Though I had even suggested in open Court if the 3rd respondent can be called upon to maintain true and proper accounts, Mr.M.Palani, learned counsel for the revision petitioner contended that there is no guarantee that the 3rd respondent is going to furnish a true statement of income and expenses and therefore, it would be an exercise in futility. In view of the above, I do not venture to issue any directions in this regard. To avoid multiplicity of proceedings and also to save valuable judicial time, I am

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inclined to *suo motu* transfer O.S.No.82 of 2021 from the file of the District Munsif Court, Arni to the file of the Mahila Court, Tiruvannamalai, to be jointly tried along with O.S.No.2 of 2018 (formerly O.S.No.31 of 2013 before the District Judge, Tiruvannamalai). On such transfer, the Mahila Court, Tiruvannamalai, shall expedite a joint trial and dispose of the suits on merits and in accordance with law, on or before 30.04.2026 and subject to the decisions of the Mahila Court, Tiruvannamalai, it shall be open to the parties to move the Regional Transport Authority, for necessary transfer of permit.

37. With the above direction and observation, the Civil Revision Petitions are disposed of. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

28.11.2025

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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To

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1. The District Munsif Court, Arni.
2. The Mahila Court, Tiruvannamalai.
3. The District Judge, Tiruvannamalai.
4. The State Transport Appellate Tribunal, Chennai.
5. The State Transport Appellate Tribunal, Chennai.
6. The Regional Transport Authority, Tiruvannamalai.



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P.B. BALAJI,J.

ata

Pre-delivery order made in
CRP.Nos.4038 & 4200 of 2022
& CMP.No.20951 of 2022

28.11.2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP Nos.4038 & 4200 of 2022

and

CMP No.20951 of 2022

P.B. BALAJI,J.

Today, these matters are listed under the caption “For being mentioned” at the instance of the learned counsel for the petitioners.

2. Heard both sides.

3. This Court perused the order and also the records and is convinced with the submission made by the learned counsel for the petitioners.

4. In view of the above, Registry is directed to substitute the following amended para in the place of para no.15 of the order dated 28.11.2025:

“15. Another suit is pending in O.S.No.31 of 2013 before the District Judge, Tiruvannamalai and the said suit is for partition filed by the other son,



R.V.Kuppusamy and in the said suit, the subject vehicle has been included as one of the items of property, by way of amendment. Both the suits are admittedly pending. ”

5. Similarly, para no.36 of the order dated 28.11.2025, shall be replaced with the following para:-

“36.Though I had even suggested in open Court if the 3rd respondent can be called upon to maintain true and proper accounts, Mr.M.Palani, learned counsel for the revision petitioner contended that there is no guarantee that the 3rd respondent is going to furnish a true statement of income and expenses and therefore, it would be an exercise in futility. In view of the above, I do not venture to issue any directions in this regard. To avoid multiplicity of proceedings and also to save valuable judicial time, I am inclined to *suo motu* transfer O.S.No.82 of 2021 from the file of the District Munsif Court, Arni to the file of the Additional District Court, Tiruvannamalai, to be jointly tried along with O.S.No.31 of 2013, which is already pending before the District Judge, Tiruvannamalai. On such transfer, the Additional District Judge, Tiruvannamalai, shall expedite a



joint trial and dispose of the suits on merits and in accordance with law, on or before 30.04.2026 and subject to the decisions of the Additional District Judge, Tiruvannamalai, it shall be open to the parties to move the Regional Transport Authority, for necessary transfer of permit.”

6. Except the same, all other aspects shall remain intact.

7. Registry is directed to make necessary corrections and issue a fresh order copy in the main Civil Revision Petitions at the earliest.

17-12-2025

Jd
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



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P.B.BALAJI J.
jd

**CRP Nos.4038 & 4200
of 2022**

17.12.2025



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