



W.P(MD)No.17294 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17294 of 2025

and

W.M.P(MD)No.13182 of 2025

R.Manikandan

... Petitioner

Vs.

1.The Regional Transport Authority,
Tenkasi.

2.Sivakami

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent in Se.Mu.Order No.12836/A3/2025 dated 11.06.2025 and quash the same as illegal and consequently direct the first respondent to transfer the permit in respect of vehicle bearing Registration Number TN-73-B-9699 plying on the route “Keezhapuliyur to Tirumalaikovil” from the name of the deceased permit holder Mr.Rengaraj to the name of the petitioner.



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For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R.1

Mr.M.P.Senthil
for R.2

ORDER

Heard both sides.

2.Mrs.Ramasubbu Ammal was given stage carriage permit to ply a town bus from Keezhapuliyur to Thirumalaikovil. Mrs.Ramasubbu Ammal passed away on 11.05.2018. Following her demise, the permit was transferred in favour of her son Rengaraj. This was pursuant to the order dated 21.11.2019 made in W.P(MD)Nos.18623 and 13322 of 2019. This order was not put to challenge. It had become final. Rengaraj passed away on 01.04.2025.

3.The question that called for consideration was whether the permit can be transferred from the name of Rengaraj to his son Manikandan. Sivagami, the sister of Rengaraj raised objection before the



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Regional Transport Authority, Tenkasi. She contended that she had already filed a partition suit in O.S.No.237 of 2019 on the file of Principal District Court, Tenkasi. She pointed out that contrary to the judicial order, Rengaraj the permit holder did not pay her 1/6th share of the profits. Upholding her objection, the Regional Transport Authority, Tenkasi negatived the request of Manikandan for transfer of the permit. Questioning the said order dated 11.06.2025 passed by the Regional Transport Authority, Tenkasi, this writ petition has been filed.

4.The learned counsel appearing for the objector / second respondent herein reiterated the stand taken by the second respondent before the Regional Transport Authority, Tenkasi.

5.I called upon the writ petitioner / Manikandan to pay some amount to the second respondent without prejudice to the contentions of both the parties in the pending civil suit. It is relevant to note that for the last 4½ years, not even a single pie has been paid to the second respondent towards her share. Thereupon, the petitioner reluctantly produced a Demand Draft for a sum of Rs.24,375/- (Rupees Twenty Four



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Thousand Three Hundred and Seventy Five only) drawn in favour of the second respondent. I made it clear that this amount could not, even remotely, represent the fair share of the second respondent and called upon the petitioner to enhance his offer.

6.Today, when the matter was taken up for hearing, the learned counsel for the writ petitioner submitted that a sum of Rs.1,75,000/- (Rupees One Lakh Seventy Five Thousand only) will be paid towards the arrears of the second respondent and that the second respondent can accept the same without prejudice to her contention in the civil suit.

7.Even this figure does not impress me. However, in order to give a quietus to the issue raised before me, I called upon the learned counsel for the second respondent to accept the Demand Drafts given by the learned counsel for the writ petitioner.

8.The learned counsel for the second respondent accepts the Demand Draft for a sum of Rs.24,375/- (Rupees Twenty Four Thousand Three Hundred and Seventy Five only). The remaining amount of



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Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) will be paid on or before **15.11.2025**. The learned counsel for the second respondent will furnish the bank account details to the learned counsel for the writ petitioner so that the balance amount shall be deposited in the said account. The second respondent can very well appropriate the same without prejudice to the contention that the said amount will does not represent her true share.

9.Mrs. Ramasubbu Ammal was blessed with 2 daughters and 4 sons. Pursuant to the writ order earlier mentioned, the permit was transferred in favour of the Rengaraj, one of her sons. Rengaraj has passed away. Since the permit stood in the name of Rengaraj, it is only just and proper that it is transferred in favour of the writ petitioner who is none other than the legal heir of Rengaraj.

10.There is yet another aspect favouring the writ petitioner. Among the remaining 5 children of Mrs.Ramasubbu Ammal, except the second respondent herein, the other 4 legal heirs have supported the claim of the writ petitioner. For the aforesaid three reasons: a) the earlier



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order dated 21.11.2019 made in W.P(MD)Nos.18623 and 13322 of 2019,

b) the fact that the permit presently stands in the name of Rengaraj, whose direct legal heir is the writ petitioner, c) the fact that the remaining 4 other legal heirs of Mrs.Ramasubbu Ammal also have extended their support to the writ petitioner. I set aside the order impugned in the writ petition and direct that the petition mentioned permit to be transferred in favour of the writ petitioner. This shall be done immediately and without any delay. But it is not the end of the matter. The partition suit filed by Sivagami is still pending. Sivagami's entitlement to 1/6th share in the profits cannot be denied. The only question is the quantification of the profits.

11.The writ petitioner shall file the accounts for the month of November 2025 in the second week of January, 2026. The second respondent can offer her objections. The trial Court shall hold an enquiry and determine the share of the second respondent for the month of November 2025. This amount subject to any appeal will have to be remitted by the writ petitioner in the bank account of the second respondent. The writ petitioner gives an undertaking before this Court



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that till the disposal of the suit, he will not alienate the bus as well as the permit. Since Rengaraj had passed away, the legal heirs have to be brought on record. Thiru.R.J.Karthick, learned counsel for the petitioner undertake before this Court that the petition will be filed so that all the legal heirs come on record before the Court below within four weeks. I make it clear that I have not gone into the merits of the matter.

12.This Writ Petition is allowed accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

28.10.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Regional Transport Authority,
Tenkasi.

Copy to

The Principal District Court,
Tenkasi.



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G.R.SWAMINATHAN, J.

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