



WP(MD). No.22890 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11/12/2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

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Jannath Begam.A

... Petitioner

Vs.

1. The District Collector,
O/o. the District Collector,
Dindigul District.

2. The Regional Transport Officer,
O/o. the Regional Transport Office,
Dindigul District.

3. Balamurugadas.K,

4. Parveen Banu

5. Minor. Syed Anas,
S/o.Late.Raja Mohamed

6. Minor Afiya,
D/o.Late.Raja Mohamed

... Respondents

(R5 and R6 are Represented by their Mother and Natural guardian Parveen Banu)



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No. 2 to implement the order passed by him in Se.Mu.Anai.No. 30461/Vu5/2023 dated 07.08.2023 and to handover the petitioners car being registration number TN 57 BE 7398 Maruti Suzuki Eeco Car to the petitioner by considering her Representation dated 08.09.2023.

For Petitioner	: Mr.V.Lakshman Raja
For R1 & R2	: Mr.S.Shanmugavel, Additional Government Pleader
For R4 to R6	: Mr.A.Jayarama Chandran
For R3	: No appearance

ORDER

This Writ Petition is filed for issuance of a writ of mandamus directing the respondent No. 2 to implement the order passed by him in Se.Mu.Anai.No. 30461/Vu5/2023 dated 07.08.2023 and to handover the petitioner's Car being registration number TN 57 BE 7398 Maruti Suzuki Eeco Car to the petitioner by considering her Representation dated 08.09.2023.



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2. The gist of the case is as follows:

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The petitioner, who is aged 74 years, had a Car bearing Reg. No.TN-57-BE-7398. The said Car stands in the name of the petitioner's son by name Raja and on 10.03.2022, the petitioner's son passed away. The fourth respondent is the daughter-in-law of the petitioner. According to the petitioner, the fourth respondent went away from the house after the death of the petitioner's son and she married another person. After the death of the petitioner's son, the name in the R.C book of the Car was changed and registered in the name the third respondent. According to the petitioner, the name change was done illegally with the help of some officials. The petitioner lodged a complaint before the second respondent. After issuing summons to the petitioner, the respondents 3 and 4, the second respondent conducted an enquiry. Thereafter, the change of name was cancelled by the second respondent vide order dated 07.08.2023. In pursuance of the cancellation order, the third respondent failed to hand over the vehicle. The petitioner requested the second respondent to take action to implement the order dated 07.08.2023. In this regard, the petitioner sent a representation dated 08.09.2023. Since the same was not considered, the present writ petition is filed.



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3.The learned counsel for the petitioner would submit that the second respondent, after receiving the complaint, had conducted a detailed enquiry and passed an order cancelling the registration certificate of the name change document by the third respondent and directed the third respondent to handover the original document. But till date, the third respondent did not produce the original name change document. He would also submit that a direction may be issued to the second respondent to implement his order dated 07.08.2023 and to hand over the Car and the original document to the petitioner.

4. Per contra, the learned Additional Government Pleader appearing for the respondents 1 and 2 submits that the Car is in possession of the fourth respondent, who is the daughter-in-law of the petitioner. He would further submit that as per the documents, the Car was purchased by the deceased son of the petitioner through TVS Credit Finance and after the death of the petitioner's son, the petitioner and the fourth respondent are the legal heirs. Therefore, the Civil Court can only decide the ownership of the Car.



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5. I have given my anxious consideration to the submissions made on either side and carefully perused the materials available on record.

6. No doubt, once the owner of the Car is passed away, legal heirs are entitled to have the right over the Car. The petitioner and the fourth respondent are the legal heirs and both of them have their share. It is also seen that partition suit is also pending before the Civil Court between the parties. The petitioner may approach the Civil Court with regard to the ownership of the Car also. If in the final decree proceedings, if the Car is allotted in favour of the fourth respondent, the petitioner will get proportionate share in other assets or it is allotted in favour of the petitioner, the fourth respondent will get her proportionate share in other assets. It is made clear that the petitioner and the fourth respondent will be the joint owners and if one of the joint owner sold the Car, another joint owner is entitled to get the share of money by making appropriate claim from other joint owner, who sold the Car.



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7. With the above observation and with liberty to approach the Civil Court, this writ petition is closed. No costs.

11.12.2025

CM

TO

1. The District Collector,
O/o. the District Collector,
Dindigul District.

2. The Regional Transport Officer,
O/o. the Regional Transport Office,
Dindigul District.



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KRISHNAN RAMASAMY., J

CM

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Date : 11/12/2025