



WEB COPY



WP.No.6385 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.6385 of 2026

and

W.M.P.Nos.6907, 6911 & 6912 of 2026

1.M/s.Velayutham and Co,
Rep by its Partner N.Gnanasekaran,
7,Calve Bungalow,Puducherry.

2.N.Gnanasekaran

... Petitioners

Vs

1. The Chairman / Secretary,
State transport Authority,
Transport Department,
Puducherry-605001.

2.The Regional Transport Authority / Commissioner of Transport,
Transport Department,
Puducherry-605001

3.V.Pethapermal,
4.V.Gopalakrishnan

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, direction to consider the petitioner's representation dated 27.06.2025,28.10.2025 and 05.12.2025 and also to conduct a detailed enquiry, if need be and pass appropriate orders by affording an opportunity of being heard to all the relevant parties and until such consideration of the petitioner's representation to issue appropriate direction to



WP.No.6385 of 2026

the Respondents 1 and 2 from in any manner considering ,action upon processing or giving effect to any application for transfer, assignment, variation, endorsement, change of name or any other form of alienation in respect of the stage carriage permits bearing Nos.06/PY/1980, 01/PY/1984 and 01/PY/1985 standing in the name of “Velayutham and Co”, until the Petitioner’s objections / representations including those dated 27.06.2025, 28.10.2025 and 05.12.2025 are duly considered and disposed of in accordance with law.

For Petitioners : Mr.M.Ravi

For R1 & R2 : Mrs.V.Usha
Additional Government Pleader
: Mr.Vasanthkumar Vengadasane

For R4 : Mr.K.Hariharan

ORDER

Heard Mr.M.Ravi, learned counsel for the writ petitioner, Mrs. Usha and Mr.Vasanthkumar Vengadasane, learned counsel for the respondents 1 and 2 and Mr.K.Hariharan, learned counsel for the 4th respondent.

2. This writ petition relates to an application for the transfer of a permit filed by the 4th respondent, stating that he is a partner of one, M/s.Velayutham and Company. M/s.Velayutham and Company was established in 1979. It is a registered partnership firm. It was reconstituted in 1985. In addition to Mr.N.Gnanasekaran, the deponent in this writ petition, two other persons were made partners, namely, (i) Kalaiselvi and (ii) Ravichandrane.



3. It is the case of the petitioners that the respondents 3 was a mere caretaker of M/s.Velayutham and Company. It is urged that Ravichandrane passed away on 27.10.2009 and Kalaiselvi passed away on 28.07.2022. Consequently, the deponent pleads that he is the sole surviving partner entitled to all the benefits that accrue to the partnership firm, including the permit for a vehicle given to it by the 1st respondent.

4. Prior to this writ petition, the 4th respondent had filed W.P.No.3069 of 2026. In the said writ petition, he represented himself as the partner of M/s.Velayutham and Company. It was urged that M/s.Velayutham and Company has a bus permit for the route “Gorimedu to Maducarai” in respect of vehicle bearing registration No.PY-05/D-6969. The 4th respondent has stated that he, along with one V.Sukumaran, had applied for transfer of permit from the name of M/s.Velayutham and Company to the name of V.Sukumaran. As no order had been passed by the State Transport Authority on the said application, he came forward with that writ petition. In that writ petition, it was stated that the transfer of permit would have been considered by a committee and therefore, directions were given to the committee to pass appropriate orders in the said application. The present writ petition is a sequel to that writ petition.

5. It is the plea of Mr.Ravi, that on the date on which Form-V was filed with the Registrar of Firms in Puducherry under the Indian Partnership



Act, 1932, Ravichandrane was no more and that, the signatures of both the petitioner and Mr.Ravichandrane found therein are fabricated and forged. He further adds that the 3rd respondent was a mere caretaker/Manager of the firm, committed a fraud in connivance with others to make the 4th respondent a partner of the firm. He further pleads that the State Transport Authority, while exercising its power under Section 82 of the Motor Vehicles Act, 1988, on coming to know of the fraud played on the deponent herein has the power to examine such fraud. He relies upon Rule 78 of the Puducherry Motor Vehicle Rules, 1989 (hereinafter PMV Rules) read with Section 82 of the Motor Vehicles Act, 1988, (hereinafter the M.V.Act) to urge that the State Transport Authority is not bound to transfer permits in an automaton manner and has to decide on all objections placed before it including the alleged acts of forgery and fabrication. Hence, he states that the objections given to the authority on 09.12.2025 would have to be considered.

6. Mrs.V.Usha, similarly urges that in terms of Rule 78 of PMV Rules read with Section 82 of the MV Act, the 1st respondent proposes to conduct an enquiry into the allegations made by the petitioner to that end, it had also addressed a letter to the Registrar of Partnerships, Puducherry seeking verification of the genuineness of Form-I and Form-V relating to reconstitution of the firm, M/s. Velayutham and Company. She adds that the State Transport

Page 4 of 14



WP.No.6385 of 2026

Authority has sought for clarification from the Police Stations situated at Dhanvantari Nagar and Ariyankuppam, with respect to the status of the complaints lodged by the objector before those concerned Police Stations. She says that the permit records and firm documents have to be corroborated by conducting a detailed examination. Once these verification reports have been received, a personal hearing would be conducted for summoning all the concerned parties, and then, would be placed before the State Transport Authority for an appropriate decision. She adds that as the matter involves disputed partnership claims, the allegations of forgery and pending Police complaints, final decision can only be taken upon receipt of these reports.

7. Per contra, Mr.Hariharan contends that the scope of inquiry for an authority under the Motor Vehicles Act, is strictly confined to Section 82 of the Act and its corresponding provisions already referred to above. Based on this ground, he seeks dismissal of the writ petition.

8. Upon careful consideration of the submissions from both sides and after having gone through the records, the following facts are not in dispute:-

1. A partnership firm under the name and style of M/s.Velayutham and Company was initially formed with three partners, namely, (I) S.Velayutham, (ii) A.Jaganathan and (iii) N.Gnanasekaran, the deponent herein.



WP.No.6385 of 2026

2. The firm was registered with the Registrar of Assurances under the

Partnership Act. It bears Registration No.30 of 1979. Mr.Velayutham and Mr.Jaganathan had retired and the firm was reconstituted on 01.04.1985, consisting of partners Gnanasekaran, Ravichandrane and Kalaiselvi.

3. State carriage permits bearing permit No.06/PY/1980 and 01/PY/1984 were issued in the name of the firm for the routes Pathukannu to Kariamannickam and Gorimedu to Maducarai, respectively.

4. The firm was also benefited with a spare bus permit bearing permit No.01/PY/1985. Till 2010, there seemed to have been no issues between the parties.

9. The writ petitioner claims that the Form-V, which was filed with the Registrar of Firms, has falsely recorded that the petitioner had retired on 14.06.2001, and in his stead, the 4th respondent was inducted as a partner. The petitioner further asserts that the signature of Ravichandrane could not have been executed by him on 30.06.2010, as he had reportedly passed away on 27.10.2009. It is further asserted that he had never signed on the Form-V and the 4th respondent, acting as if he is one of the partners of M/s.Velayutham and Company, is attempting to transfer the permit in favour of a third party. Consequently, he had given objections to the 1st respondent on 28.10.2025. It is the case of the petitioner that since the plea of fraud has been raised, the 1st



WP.No.6385 of 2026

respondent is entitled to go into the issues raised by him.

WEB COPY

10. This requires a reading of Section 82 (1) with corresponding Rule framed by the Puducherry Government.

11. The Motor Vehicles Act is a code in itself. The provision for transfer of permits is found under Sections 82. Specifically 82(1) contemplates situations of a permit being transferred from one person to another, with prior permission of the appropriate transport authority. It also holds that, unless and until such permission is granted, the right to use the vehicle authorized in the manner under the permit vests only with the permit holder. Once the transfer is approved, the transferee is entitled to exploit the permit granted to the transferor.

12. Each 'State' has framed their separate Rules. Insofar as the Union Territory of Puducherry is concerned, the PMV Rules, 1989 has been notified. The Rule, which deals with the transfer of permit is Rule 78. Rule 78(1) contemplates that the holder of a permit, if he desires to transfer the permit, in terms of Section 82(1) has to make out an application along with the transferee to the State Transport Authority in the manner prescribed. Once the said application is received, the State Transport Authority under Rule 78(2) may call

Page 7 of 14



WP.No.6385 of 2026

upon the transferor and the proposed transferee to state in writing, whether any premium, payment or other consideration, arising out of the transfer, is to pass or has already passed between them and the nature and amount of any such premium, payment or any other consideration. In case, he does not take the route prescribed under Rule 78(2), the State Transport Authority is entitled to summon both, the transferee and the transferor to appear before him and deal with the application for transfer as if it were application for grant of permit. Under Rule 78(5), if the State Transport Authority is satisfied that the transfer of a permit may be properly made, it can call upon the transferor to surrender the original permit within 7 days of the receipt of order and likewise, call upon the transferee to remit a sum of Rs.1,000/-. On receipt of the original permit and the fee, the State Transport Authority is empowered to make necessary endorsements on the permit and return the original permit to the transferee.

13. A perusal of Section 82(1) of the MV Act and Rule 78 of PMV Rules make it clear, that the scope of enquiry is limited. The State Transport Authority is not empowered to conduct a roving enquiry as to whether a person, who has filed a transfer application, is in fact the partner or whether he is a third party. The scope of enquiry is limited to whether the transferor or the transferee have filed the application in the manner prescribed and whether any consideration has been paid or is to be paid, and once it is satisfied with the said

Page 8 of 14



aspects, he may call upon the transferor to surrender the original permit and call upon transferee to pay necessary fees, and make necessary endorsements in the name of the transferee. The Rules do not brook any third party to intervene in the said proceedings. Section 82 and Rule 78 do not enlarge the power of the State Transport Authority into that of the civil Courts. Being an authority created by the statute and the rules made thereunder, the power exercised by the State Transport Authority, is circumscribed within the four corners of the Act and its Rules.

14. If this Court were to agree with the submissions of Mr.Ravi, then the State Transport Authority would not only be entitled to conduct an enquiry regarding the application made by the 4th respondent and Mr.V.Sukumaran, but would also be empowered to look into whether Form-V issued in the year 2010 is true and genuine. Unfortunately, to answer Mr.Ravi's contention, the Parliament, in its wisdom, has not conferred such powers upon the State Transport Authority. The authorities under the MV Act are empowered to regulate the use of vehicles of all the categories. By the Act, they can issue, suspend, transfer and cancel the permits as per the procedure laid down under the Act and Rules. They are not entitled to deal, nay, even entertain and decide disputed questions of title. The doors of the civil Courts have to be tapped for the purpose of deciding such questions.



WP.No.6385 of 2026

WEB COPY

15. This takes me to certain provisions of the Indian Partnership Act, 1932. Under Section 63, the Registrar of Firms is empowered to record any incoming, continuing, or outgoing partner. Prior to making such records, the Registrar has to file a notice or statement relating to such change or reconstitution of the firm. Section 59 of the Act relates to the manner in which the Registration of the Firm shall exist. State has amended Section 58. As per this amendment, the manner in which the Registrar maintain the record of the firm has been stated. Section 58(1) reads that such a statement shall be signed by all the partners, or by their agents specially authorized on this behalf.

16. In case, an amendment is made to the Register of Firms by the Registrar, Section 68 of the Partnership Act comes into play. Under Section 68, any statement, intimation or notice recorded or noted in the Register of Firms, is conclusive proof of any fact stated therein. Once a record is given as a status of conclusive proof, it would be binding on the State Transport Authority.

17. If the plea of Mr.Ravi is accepted, then it would mean that the State Transport Authority is entitled to ignore the duly registered Form-V produced before it, which would effectively nullify Sections 63 and 68 of the Partnership Act. Furthermore, when the record of an official is produced before another

Page 10 of 14



authority, in terms of Section 114(e) of the Indian Evidence Act, a presumption of existence is attached to judicial and official acts, which are deemed to have been regularly performed.

18. A perusal of the status report filed by Mrs.Usha reveals that instead of confining itself to the Motor Vehicles Act and Rules framed thereunder, the 1st respondent has decided to conduct an enquiry into the manner in which the Registrar of Firms have amended the Register. Not only stopping at that, the 1st respondent also called upon the Police to submit reports as to the fate of the complaints said to have been lodged by the writ petitioner, as against Mr.Gopalakrishnan.

19. The State Transport Authority is nowhere in the pecking order, either under the Criminal Procedure Code (Cr.P.C), or under the Bharatiya Nagarik Suraksha Sanhita (BNSS), for him to call for such reports. When a certified copy issued by the Registrar is produced before him, Section 68 of the Partnership Act and Section 114(e) of the Indian Evidence Act stares at his face. I should reiterate that neither the Registrar nor the State Transport Authority is a Civil Court. If one official starts suspecting the proceedings initiated by the other official, there would be no end to suspicion and the administration will descend into utter chaos.



WP.No.6385 of 2026

20. Since the Motor Vehicles Act does not contemplate a roving enquiry by the State Transport Authority other than what has been contemplated under Rule 78 and Section 82, the pleas raised by the Mr.Ravi do not deserve acceptance and the same are rejected. A mandamus to consider the representation cannot be issued when it seeks to enlarge the powers of a statutory authority. This Court, by issuing a mandamus, cannot usurp the powers of the legislature and amend the statute.

21. As the petitioner has raised the plea of fraud, he is at liberty to approach the jurisdictional Civil Court, if it is open to him otherwise to agitate the plea therein. If such a Suit is filed before the Civil Court, then obviously, he is contesting the endorsement made in the Form-V. Therefore, the conclusive proof under Section 68 might not operate against him.

22. With the above liberty, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

24.02.2026

Index : Yes /No
Speaking Order : Yes/No
Neutral Citation : Yes/No
rpl



WP.No.6385 of 2026

To

WEB COPY

1. The Chairman / Secretary,
State transport Authority,
Transport Department,
Puducherry-605001.

2.The Regional Transport Authority / Commissioner of Transport,
Transport Department,
Puducherry-605001



WEB COPY



WP.No.6385 of 2026

V. LAKSHMINARAYANAN, J.

rpl

W.P.No.6385 of 2026

24.02.2026