



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 27294 of 2016 and CRP NO. 808 OF 2022,
WMP Nos. 23494 and 23495 of 2016 and CMP.No.4047 of 2022**

W.P.No.27294 of 2016

Mrs.P.Sakela
W/o.S.David Padmanabhan,
8B, Kumarasamy Street, Rasipuram,
Namakkal District.

..Petitioner(s)

Vs

1. Ms.Jacklin,
8B, Kumarasamy Street, Rasipuram,
Namakkal District.
2. P.Kavitha,
W/o.L.Palanivel,
16, Muniappan Kadu- Muthukanipatti,
Rasipuram,
Namakkal District.
3. The Regional Transport
Authority, Namakkal District, Namakkal,
North Office.

..Respondent(s)

CRP No. 808 of 2022

S.David Padmanabhan
8B, Kumarasamy Street, Rasipuram,
Namakkal District.

..Petitioner(s)

Vs

1. Ms.Jacklin
8B, Kumarasamy Street, Rasipuram,
Namakkal District.



2. P. Kavitha,
W/o.Late. Palanivel, 16, Muniappan Kadu,
Rasipuram Taluk, Namakkal.

3. The Regional Transport Authority,
Namakkal District.

..Respondent(s)

Prayer in W.P.No.27294 of 2016: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the orders of the 3rd respondent made under proceeding No.20616/A2/2016 dated 13.7.2016 in allowing the joint application for transfer of permit from the name of the 1st respondent to the name of the 2nd respondent in respect of the vehicle bearing Regn. No.TN 28 AZ 9239 plying on the route Salem-Thammampatti along with the spare bus bearing Regn. No.TN 28 AX 1249 and quash the same.

Prayer in CRP.No.808 of 2022: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order of the State Transport Appellate Tribunal, Chennai, M.V.App.No.120/2016, dt. 17.11.2021, confirming the order of the 3rd respondent made in R.No.20616/A2/2016, dt. 13.07.2016, under which he transferred the permit from the name of the 1st respondent to 2nd respondent and quash both the orders.

For Petitioner(s): Mr.M.Palani

For Respondent(s): Mr.M.Sathiavel (R1 and R2)
Mr.M.Sivavarthan (R3)
Government Counsel



Common Order

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W.P.No.27294 of 2016 has been filed challenging the order of the 3rd respondent made under proceeding No.20616/A2/2016 dated 13.7.2016 in allowing the joint application for transfer of permit from the name of the 1st respondent to the name of the 2nd respondent in respect of the vehicle bearing Regn. No.TN 28 AZ 9239 plying on the route Salem-Thammampatti along with the spare bus bearing Regn. No.TN 28 AX 1249 and quash the same.

2. C.R.P.No.808 of 2022 has been filed to set aside the order of the State Transport Appellate Tribunal, Chennai, M.V.App.No.120/2016, dt. 17.11.2021, confirming the order of the 3rd respondent made in R.No.20616/A2/2016, dt. 13.07.2016, under which he transferred the permit from the name of the 1st respondent to 2nd respondent and quash both the orders.

3. The brief facts of the case are as follows:

(i) The petitioner's husband Mr.S.David Padmanabhan is the adopted son of Mr.A.W.Samuel. The said Samuel had many properties both movable and immovable including the stage carriage permits. In the stage carriage service, he held 4 permits with 2 spare bus permits. While so, he died on 29.03.1993 leaving behind the petitioner's husband as his legal heir. On the death of Samuel, one Nagarajan, claimed permits based on the alleged Will, but



the petitioner's husband disputed the same. In pursuant to the alleged Will, the said Nagarajan applied for transfer of permit in favour of his minor daughters and his family members, in which a notice was served on the petitioner's husband. After receipt of the said notice, the petitioner's husband filed W.P.No.19140 of 1993 to forbear the Regional Transport Authority from considering the application for transfer of permit from the name of the petitioner's father in law in favour of the respondents 2 to 5 who are the minor daughters and the family members of Nagarajan. The said Writ Petition was disposed of based on the compromise arrived at between the petitioner's husband and the Nagarajan. In terms compromise Memo, both the parties were given two permits with a spare bus permit and it was agreed by both parties to transfer the permits infavour of their respective minor daughters. Accordingly, two permits which were given to their family share were transferred in favour of the petitioner's minor daughters viz., Joy and Jacklin represented by her mother and natural guardian, the petitioner herein.

(ii) On attaining the majority, the 1st respondent, who is the daughter of the petitioner had executed an irrevocable Power of Attorney in favour of the petitioner on 18.06.2012, by which she authorised the petitioner (mother) to do all things concerning stage carriage permits and the buses by appearing before the authorities etc., and the irrevocable Power of Attorney has not been cancelled till date. After the first respondent, got married, which according to



the petitioner is against the wishes of the family, she is said to have made negotiation with the 2nd respondent for transfer of permit. On coming to know of the same, the petitioner's husband filed a writ petition before this Court in W.P.No.36490 of 2015 not to transfer the permit in favour of the 3rd party and the said writ petition is pending. While so, without issuing notice to the petitioner the 3rd respondent vide impugned order had accepted the joint application filed by the respondents 1 and 2 for transfer of the stage carriage permit along with vehicle bearing registration No.TN 28 AZ 9239 authorized to ply on the route Salem to Thammampatti (via) Mallur, etc., and the spare bus bearing registration No.TN 28 AX 1249, when the original permit is in custody of the petitioner. Challenging the said order the Writ Petition has been filed.

(iii) The Petitioner's husband viz., David Padmanabhan has filed an Appeal before the State Transport Appellate Tribunal in M.V.Appeal No.120 of 2016, against the order of the 3rd respondent and the same was dismissed confirming the order of the 3rd respondent, challenging which the Civil Revision Petition has been filed.

4. At the stage of hearing of this Writ Petition and Civil Revision Petition, the learned counsel appearing for the petitioner would submit that the petitioner may be permitted to file civil suit, with regard to the transfer of permit made by the 1st respondent in favour of the 2nd respondent, which was approved by the 3rd



respondent.

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5. The learned counsel appearing for the respondents 1 and 2 would submit that as per the order passed in W.P.No.19140 of 1993, the husband of the petitioner has transferred one permit in the name of the 1st respondent, while she was a minor and after attaining majority she made a joint application along with the 2nd respondent for transfer of permit before the 3rd respondent and the said Authority has rightly accepted the said application. He therefore prays for dismissal of this Writ Petition as well as the Civil Revision Petition.

6. The learned counsel appearing for the 3rd respondent would submit that since the 1st and the 2nd respondents made joint application for transfer of permit in respect of the subject vehicle with relevant documents, after conducting enquiry, the 3rd respondent has granted transfer of permit and the Tribunal, by considering the same has rightly dismissed the Appeal filed by the petitioner's husband .

7. Heard both sides. Perused the records.

8. Considering the submissions made by the learned counsel for the petitioner, without expressing any opinion on the merits of the case, the relief sought for in the Writ Petition as well as the Civil Revision Petition are hereby



dismissed, by granting liberty to the petitioner to file civil suit, before the appropriate Court and the 3rd respondent is directed to act in accordance with law, subject to the outcome of the suit, if any, to be filed by the petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed.

8-06-2026

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

The Regional Transport
Authority, Namakkal District, Namakkal, North Office.



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WP No. 27294 of 2016 and CRP.No.808 of 2



M.DHANDAPANI J.

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