

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 2133 of 2015 (N)

PETITIONER:

**JAIMY K.T. AGED 42 YEARS
S/O. THOMAS
VIII/348, KACHAPPILLY HOUSE
MUKKANNOOR P.O.
ANGAMALY, ERNAKULAM**

**BY ADVS.SRI.K.L.SHYAM
SRI.B.R.MURALEEDHARAN**

RESPONDENTS:

- 1. JOINT REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, ANGAMALY 683 572**
- 2. MANAF, AGED 25 YEARS
S/O. ISMAIL C.C.
12/1155, PANAYAPPILLY, KOCHI 682 002**
- 3. THE BRANCH MANAGER CANARA BANK
PALARIVATTOM BRANCH
ERNAKULAM DISTRICT 682 025**

**R1 BY SENIOR GOVERNMENT PLEADER SRI. BIJU MEENATOOR
R3 BY SRI.PAULY MATHEW MURICKEN,SC,CANARA BANK**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE CERTIFICATE OF REGISTRATION DATED 13.9.2013 OF VEHICLE BEARING REG.NO.KL-63-B-736.

P2 : COPY OF THE CERTIFICATE OF FITNESS NO.63/19087/2013 DATED 19.9.2013

P3 : COPY OF THE COMPLAINT DATED 5.7.2014

P4 : COPY OF THE ORDER IN CRL.M.P.2414/2014 DATED 14.7.2014 OF JFCM II COURT KOCHI

P5 : COPY OF THE PAPER PUBLICATION DRAFT DATED 7.10.2014

P6 : REPLY ISSUED BY THE JOINT RTO DATED 15.10.2014 BEARING NO.63/41243/14

RESPONDENTS' EXHIBITS

NIL

//True copy//

P.A. TO JUDGE

Shg/

K. VINOD CHANDRAN, J.

W.P.(C) No.2133 of 2015

Dated this the 30th day of January, 2015

JUDGMENT

The petitioner claims to be the registered owner of a vehicle having registration No.KL-63 B/736. The petitioner obviously filed a criminal complaint against the 2nd respondent alleging that the vehicle was forcefully taken away from the petitioner. The specific contention in Ext.P3 complaint was that the vehicle was handed over to the 2nd respondent by the petitioner himself and the 2nd respondent had misused the vehicle, contrary to the terms of handing over. In any event, the learned Magistrate passed an interim order, handing over the possession of the vehicle to the petitioner by Ext.P4. The petitioner then claimed a duplicate registration certificate and fitness certificate from the 1st respondent.

2. The learned Government Pleader on instruction submits that the application was objected to by the 2nd respondent specifically contending that the registration book of the vehicle is available with him and that the same was given as a security

for a loan. The 3rd respondent also appears before this Court and submits that in fact, the vehicle was under the hypothecation agreement with the 3rd respondent and the transfer, admittedly made by the petitioner to the 2nd respondent, is in violation of the terms of the hypothecation agreement.

Considering all the above circumstances, the petitioner cannot seek for a mandamus as sought for in the above writ petition.

The writ petition would stand dismissed. No cost.

Sd/-
K. VINOD CHANDRAN,
JUDGE

JV