

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.30544 of 2014

Mahendra Jain

.. Petitioner

Vs.

1.The Regional Transport Officer
Coimbatore,
Coimbatore District.

2.State rep. By
Special Sub Inspector of Police
Wellington Police Station
Nilgiris District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the second respondent to release the vehicle bearing Registration No.T 45 AC 8723 which was taken from the petitioner by the second respondent and hand over the said vehicle to the petitioner.

For Petitioner : Mr.M.N.Balakrishnan

For Respondents: Mr.V.JayaprakashNarayanan
Spl Govt. Pleader

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.M.N.Balakrishnan, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, appearing for the respondents.

3.The petitioner seeks for issuance of a writ of mandamus to direct the second respondent to release the vehicle bearing Registration No.T 45 AC 8723, which was taken from him by the second respondent and hand over the said vehicle to him.

4. According to the petitioner, he is doing money lending business for the past twenty years and one Kannan s/o Nanjan, approached him and borrowed money for purchasing a vehicle and the said Kannan has changed the name of the ownership of the vehicle in name of the petitioner. Thereafter, as the said Kannan has not paid the E.M.I. regularly, he lodged a complaint before the second respondent and the vehicle was seized by the second respondent. However, the second respondent did not return the vehicle to the petitioner and according to the petitioner, he is helping the said borrower Kannan. With these facts, the petitioner sent a representation followed by the legal notice to the respondents. Since no action has been taken, he has come forward with the present Writ Petition.

5. Since the second respondent has already issued notice dated 20.09.2013, calling upon the petitioner to appear along with the Original Registration Certificate of the vehicle on 21.09.2013 or on 23.09.2013, the second respondent is directed to decide the matter by issuing a fresh notice calling upon the petitioner to appear on a particular date and on the date mentioned, the petitioner shall appearing before the second respondent and produce the necessary documents including the Original Registration Certificate of the vehicle and if the second respondent is satisfied, he is directed to pass orders on merits and in accordance with law.

The Writ Petitions are disposed of on the above terms. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa
To

1. The Regional Transport Officer
Coimbatore,
Coimbatore District.

2. The Special Sub Inspector of Police
Wellington Police Station
Nilgiris District.

+ 1 cc to Government Pleader Sr.4757

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