

IN THE HIGHER COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5009 of 2015

K.Balaji

... Petitioner

Vs

The Regional Transport Officer
Chennai (Central), Chennai 23

... Respondent

Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of certiorarified mandamus to call for the records of the respondent in R.No.80155/D3/2014 dated 7.1.2015 and quash the same, consequently direct the respondent to register the vehicle in the petitioner's name.

For petitioner : Mr.D.Panchatsaram

For respondent : Mr.A.Kumar,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader appearing for the respondent.

2. This writ petition has been filed by K.Balaji, seeking to quash the impugned order passed by the Regional Transport Officer, Chennai, the respondent herein dated 07.01.2015, in and by which, the respondent has refused to entertain the petitioner's application to register the vehicle in his name, since there is no provision in the Motor Vehicles Act and Rules to cancel the temporary registration or to change the temporary registration to somebody else.

3. Learned counsel appearing for the petitioner submitted that originally the vehicle in question belongs to the petitioner's friend

J.Srinivasan as per the sale certificate dated 13.08.2009. A temporary registration certificate was also issued in the name of J. Srinivasan on 11.09.2009 and the vehicle was used by the said petitioner's friend J.Srinivasan. While that being so, the said J.Srinivasan was arrested in connection with some cases and remanded to judicial custody. Consequently many of the articles and the belongings belonged to the said J.Srinivasan were also seized by the Inspector of Police, EOW, Vellore and the car in question is also one among the seized item and therefore, the petitioner, as a friend of J.Srinivasan, moved an application before the Special Judge under the TNPID Act, for release of the vehicle, giving an undertaking that he would be abiding by any stringent conditions to be imposed by the court. After considering the undertaking given by the petitioner, as the friend of J.Srinivasan, the learned Special Judge, by an order dated 18.10.2012 directed the third party viz., Balaji, the petitioner herein, to deposit a sum of Rs.5,75,000/- on or before 30.10.2012 and on payment of the said amount, the vehicle was released. Therefore, it is the contention of the learned counsel for the petitioner that once the vehicle in question has been released by the learned Special Judge, the petitioner is not able to manage the vehicle without permanent registration and hence he sought for issuance of permanent registration changing the temporary registration.

4. A detailed counter affidavit has been filed by the respondent. The learned Special Government Pleader appearing for the respondent would submit that when the petitioner has not purchased the vehicle in question in his name and the said vehicle also was already recorded in the name of J.Srinivasan, Vellore, the petitioner is not entitled to ask for permanent registration. Further, even though the petitioner has taken possession of the vehicle by depositing a sum of Rs.5,75,000/- before the Special Court, he is not entitled to ask for transfer of registration in his name straightaway, as there is no provision available either to cancel the temporary registration or to change temporary registration in the name of the petitioner. सत्यमेव जयते

5. This Court finds merits in the submissions made by the learned Special Government Pleader. Even a mere perusal of the order passed by the Special Judge under the TNPID Act, clearly shows that at the time of seeking release of the vehicle in question, the petitioner, as a third party, has given an undertaking to abide by the stringent conditions to be imposed by the Special Judge for return of the vehicle. The affidavit filed by the petitioner also shows that he has given an assurance before the Special Judge that he will produce the vehicle before the Special Court as and when

required after return of the vehicle. Therefore, when the petitioner has given an undertaking before the learned Special Judge to return the vehicle, it is not open to him to ask for alienation of the name from J.Srinivasan to his name. Therefore, this Court finds no merits in the writ petition.

In the result, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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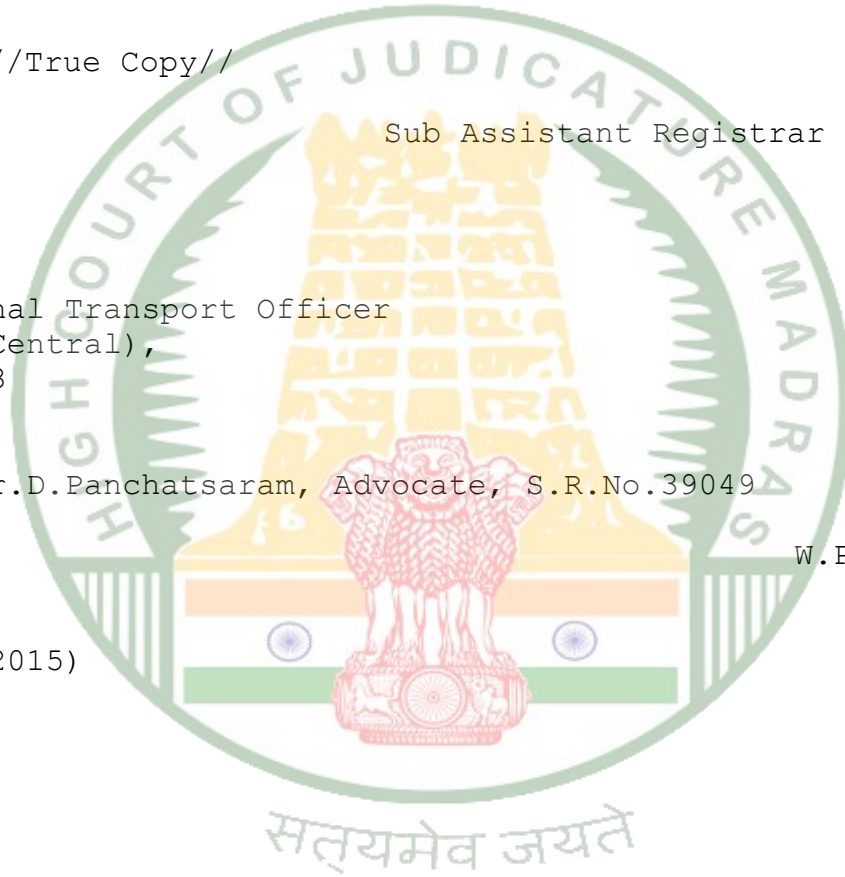
To

The Regional Transport Officer
Chennai (Central),
Chennai 23

+1cc to Mr.D.Panchatsaram, Advocate, S.R.No.39049

W.P No.5009 of 2015

CA(CO)
CA(19/08/2015)



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