

In the High Court of Judicature at Madras

Dated : 14.6.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.24420 of 2015 & MP.Nos.1 to 3 of 2015

Kamal Finance, rep.by its
Proprietor N.Kamal Jain

...Petitioner

Vs

1.The Regional Transport Officer,
Chennai (North)-99.

2.The Regional Transport Officer,
Poonamallee, Chennai.

3.The Assistant General Manager,
State Bank of India, Anna Nagar
West Branch, Chennai-40.

4.Mr.Murali

5.Mr.Thirumalai Eswara Rao

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorari to call for the
records in respect of proceedings in A1/23235/2015 dated
27.5.2015 issued by the first respondent and quash the same.

For Petitioner : Mr.K.Nagarajan

For Respondents 1 & 2 : Mr.R.Lakshmi Narayanan, AGP

For Respondent-3 : Mr.P.D.Audikesavalu

For Respondents 4 & 5 : No appearance

ORDER

Heard both.

2. This writ petition has been filed by the financier
alleging that he has financed for the purchase of the vehicle
bearing regn.No.TN-12-A-9455 (DUSTER 2013 Model) to the fifth
respondent, from the fourth respondent. The fact remains that
the vehicle was originally purchased by the fourth respondent by
availing a loan from the State Bank of India. He is a defaulter
and the bank initiated proceedings against him for recovery of
the loan amount. It is stated that the bank obtained favorable
orders to take possession of the vehicle.

3. However, clandestinely, the hypothecation endorsement in the certificate of registration was removed and the vehicle appears to have been sold to the fifth respondent, who is said to have availed finance from the writ petitioner. The third respondent, on coming to know of the same, lodged a complaint to the second respondent. On enquiry after notice to all concerned, the official respondents held that the removal of hypothecation endorsement made in favour of the third respondent is illegal. Curiously enough, the fourth respondent took a stand that he never sold the vehicle to the fifth respondent. This order is now sought to be questioned by the petitioner, which is a financier.

4. Considering the facts and circumstances of the case, the petitioner absolutely has no locus standi to challenge the impugned order and the impugned order having been passed after hearing all the parties and after finding out the fraud committed, the same cannot be interfered with at the instance of the writ petitioner.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, the above MPs are also dismissed.

6. It is open to the third respondent to enforce the order passed by the Debts Recovery Tribunal.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Regional Transport Officer,
Chennai (North)-99.

2.The Regional Transport Officer,
Poonamallee, Chennai.

3.The Assistant General Manager,
State Bank of India, Anna Nagar
West Branch, Chennai-40.

+1cc to Mr.P.A.Audikesavalu, Advocate sr.32161
+1cc to the Government Pleader Sr.32765

WP.No.24420 of 2015&
MP.Nos.1 to 3 of 2015

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srg 20/06/2016