

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.43744 of 2016

R.Ranganathan

... Petitioner

vs.

1. The Chief Manager,
State Bank of India,
Main Branch,
Uttukuli Road,
Tiruppur - 641 601.

2. The Assistant Manager (Public),
State Bank of India,
Main Branch,
Uttukuli Road,
Tiruppur - 641 601.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to cancel the endorsement made in the TATA Sumo Car registration book bearing Registration No.TN 39 L 7071 of the petitioner by considering the representation dated 18.01.2016.

For Petitioner : Mr.K.Myilsamy

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to cancel the endorsement made in his TATA Sumo Car registration book bearing Registration No.TN 39 L 7071, by considering his representation dated 18.01.2016.

2. According to the petitioner, he obtained a car loan to the tune of Rs.3,48,000/- from the 2nd respondent/Bank on 10.05.1999 for purchase of TATA Sumo Car bearing Registration No.TN 39 L 7071. The said Car was hypothecated with the respondent authorities and necessary endorsement was made in the registration book of the said vehicle. He further stated that he paid the entire loan amount along with accrued interest. However, the respondent falsely filed a Civil Suit in O.S.No.49 of 2005 on the file of the Principal Sub Court at Tiruppur seeking recovery of money of a sum of Rs.1,88,341.68/- with 15.30% interest per annum from the petitioner. The petitioner

contested the suit and after an elaborate trial, the suit was dismissed, against which, the respondent did not prefer any appeal.

3. The only grievance of the petitioner is that in spite of repaying the entire dues and sending detailed representation to the respondent, he has not cancelled the endorsement made in the registration book of the aforesaid vehicle. Hence, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Considering the facts and circumstances of the case and without expressing any opinion on the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 18.01.2016 regarding cancellation of endorsement made in his TATA SUMO Car Registration Book, in accordance with law and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

aeb
To:

1. The Chief Manager, सत्यमेव जयते
State Bank of India,
Main Branch,
Uttukuli Road,
Tiruppur - 641 601.
2. The Assistant Manager (Public),
State Bank of India,
Main Branch,
Uttukuli Road,
Tiruppur - 641 601.

+1 cc to Mr.K.Myilsamy Advocate sr 74195

W.P.No.43744 of 2016

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