

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21803 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of the 3rd respondent in not releasing the vehicle bearing No.TSO8UA 0027 bearing Engine No.EBEZ405336, and chassis No.MB1PBEYCOEEBM7218, in favour of the petitioner by not accepting the compounding amount, as arbitrary and illegal and violative of Articles 14, 19(i)(g) and 21 of the Constitution of India.

2. Heard the learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the 4th respondent has availed loan from the petitioner and later he failed to pay the Equally Monthly Installments and hence the petitioner initiated Arbitrator proceedings and the Arbitrator passed interim order, dated 26.06.2016, under Section 17 of Arbitration and Conciliation Act to take possession of the vehicle bearing No.TSO8UA 0027 and the petitioner came to know that the said vehicle is under the custody of the 3rd respondent. The petitioner made a representation, dated 18.05.2017, to the respondent authorities, but so far, the respondent authorities have neither passed any orders on the said representation nor released the said vehicle.

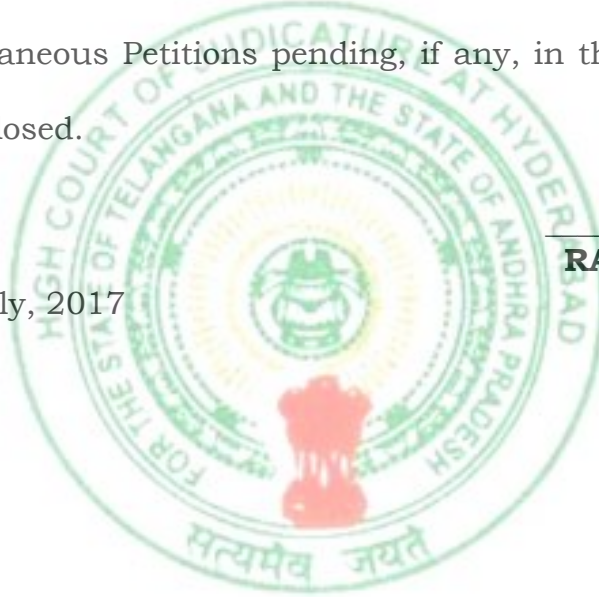
4. Considering the facts and circumstances of the case, the petitioner is directed to prefer a representation before the concerned Regional Transport Officer informing the grounds on which the petitioner intend to take back the vehicle bearing No. TSO8UA 0027 and on such representation being made, the concerned Regional Transport Officer is directed to pass appropriate orders, as expeditiously as possible, in accordance with law, more preferably within a period of ten (10) days from the date of receipt of the representation of the petitioner. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date: 17th July, 2017

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RAJA ELANGO, J



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