

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 25744 of 2018

M/s.India Infoline Finance Ltd.,
rep. by its Authorised Agent,
Mr.Sivanantham,
No.4-2B, First Floor,
Woodlands Upstairs,
Saradha College Main Road,
Alagapuram, Salem-636 016.

... Petitioner

Vs

1. The Regional Transport Officer,
Dharmapuri Regional Transport Office,
Dharmapuri-636 705.

2. Marimuthu,
S/o. Elakuntan,
3/239-2, Nammandahalli Village,
Palacode Taluk,
Dharmapuri District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.6304/A1/2018, dated 28.06.2018 passed by the 1st respondent and quash the same and consequently to direct the 1st respondent to issue Registration Certificate in favour of the petitioner for the vehicle bearing Registration Number TN29BY4313 considering the application dated 28.05.2018 submitted by the petitioner within such time as may be prescribed by this Hon'ble Court.

For Petitioner : Mr.N.E.A. Dinesh
for M/s.KV Law Firm
For Respondents : Mrs.Ramya Revathy,
Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the 1st respondent refusing to issue registration certificate in favour of the petitioner in respect of the

vehicle bearing No.TN29 BY4313.

2. According to the petitioner, he is a financier and the 2nd respondent has obtained a financial assistance from the petitioner for purchasing the vehicle and also entered into hypothecation agreement. Subsequently, the 2nd respondent has committed default in payment from July 2016, and hence, the petitioner has seized the vehicle. However, the 2nd respondent did not hand over the original copy of the registration certificate to the petitioner. Hence, he has made application to the 1st respondent under Sec.51(5) of the Motor Vehicles Act (hereinafter called as 'Act') seeking for registration certificate in favour of the petitioner. After enquiry, now the impugned order has been passed by the 1st respondent stating that since there is a dispute between the petitioner and the 2nd respondent, they are directed to approach the competent Civil Court. Challenging the said order, the petitioner has filed the present Writ Petition.

3. Earlier, notice was served on the 2nd respondent and the his name was also printed in the cause list. But, none appeared on behalf of him.

4. Mr.N.E.A.Dinesh, learned counsel appearing for the petitioner submitted that the petitioner has established that since the 2nd respondent has committed default, he has taken possession of the petitioner's vehicle under Sec.51(5) of the Act. The 1st respondent ought to have cancelled the earlier registration certificate and issued the fresh registration certificate, and he cannot direct the parties to approach the civil court, for which he has no power.

5. Mrs.Ramya Revathy, learned Government Pleader appearing for the 1st respondent, on instructions, submitted that the 1st respondent will pass suitable orders as per the provisions under Sec.51(5) of the Act.

6. Considering the above submissions made on behalf the 1st respondent, the impugned order is set aside and the matter is remanded back to the 1st respondent with a direction to the 1st respondent to consider the petitioner's application as per Sec.51(5) of the Act, and pass suitable orders on merits within a period of eight weeks from the date of receipt of the copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

The Regional Transport Officer,
Dharmapuri Regional Transport Office,
Dharmapuri-636 705.

+1 cc to The Government Pleader, SR.No.86240
+1 cc to M/s.K.V.Law Firm, Advocate Sr.No.85733

W.P.No. 25744 of 2018

KAN(CO)
CSL./21.12.2018



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