



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) .No.9749 of 2018

M/s.Sundaram Finance Limited,
No.21, Patullos Road,
Chennai - 600 002,
rep. by its Assistant Manager (Legal),
S.K.Kamalanand

... Petitioner

Vs.

1.The Assistant Registering Authority,
Ambasamudram,
Tirunelveli District.

2.S.Mariappan

... Respondents

PRAYER:- Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 08.06.2017 and to issue fresh registration certificate for the vehicle bearing Registration No.TN-76-AZ-2396 in the name of the petitioner.

For petitioner : Mr.Pon Senthil Kumaran
For 1st respondent : Mr.D.Muruganandham,
Addl. Government Pleader
For 2nd respondent : Mr.P.Thiyagarajan

ORDER

This writ petition has been filed by the petitioner for a Mandamus, to direct the 1st respondent to consider the representation of the petitioner dated 08.06.2017 and to issue fresh Registration Certificate for the vehicle bearing Registration No.TN-76-AZ-2396 in the name of the petitioner.

2. The case of the petitioner is that the petitioner is a non-banking finance company and registered under the Indian Companies Act. The second respondent herein, by entering into a loan agreement with the petitioner, has purchased a vehicle bearing Registration No.TN-76-AZ-2396. As the second respondent was not regular in payment of dues, the petitioner has taken the custody of the said vehicle as per the agreement. Though the petitioner requested the second respondent to surrender original Registration Certificate, the 2nd respondent neither surrendered the original



Registration Certificate nor settled the amount. Therefore, the petitioner had sent a representation to the 1st respondent requesting him to issue fresh registration certificate in the name of the petitioner. The first respondent, on receipt of the said request under Form 36, had issued several communications to the 2nd respondent to produce the original Registration Certificate. But, the 2nd respondent did not turn up. However, the first respondent till date not issued fresh Registration Certificate of the said vehicle. Therefore, he has filed this writ petition.

3. The learned Additional Government Pleader appearing for the first respondent submitted that in the counter affidavit itself it is stated that the representation of the petitioner is under consideration.

4. Considering the relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner, dated 08.06.2017 and after providing sufficient opportunity to the petitioner as well as the 2nd respondent, to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Assistant Registering Authority,
Ambasamudram,
Tirunelveli District.

+ 1 CC TO MR.S.PONSENTHIL KUMARAN, ADVOCATE IN SR NO.84543
+ 1 CC TO MR.P.THIYAGARAJAN, ADVOCATE IN SR NO.85154
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.84884

GCG

BU/PM/SAR-II : 03.10.2018 : 2P/5C

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