



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD)No.21466 of 2019

WEB COPY

T.M.Suresh

: Petitioner

Vs.

1. The Regional Transport Officer,
Srirengam, Tiruchirappalli.

2. Equitas Finance Pvt. Ltd.,
Rep. by its General Manager,
Registered Office at 4th Floor,
672, Temple Tower, Anna Salai,
Nandanam, Chennai-600 035.

3. Equitas Vehicle Finance Pvt. Ltd.,
Rep. by its Branch Manager,
107-A, Salai Road, Woraiyur,
Tiruchirappalli-600 003.

: Respondents

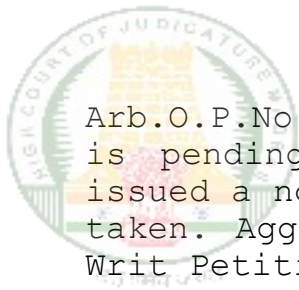
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to seize and keep in his custody the Ashok Leyland Lorry bearing Registration No.TN 48 S 8199, with Engine No.WBP112195, Chassis No.MB1G3DYC5BPVB5683, based on the petitioner's representation dated 11.06.2019.

For Petitioner : Mr.R.S.Sivaram

For Respondent No.1 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

ORDER

The petitioner hypothecated the vehicle, pursuant to a hypothecation agreement with the second and third respondents. Since the petitioner defaulted payment, the second respondent has initiated arbitration proceedings and in the course of the same, he sold the petitioner's vehicle in auction. Aggrieved over the same, the petitioner filed a petition under Section 9 of the Arbitration and Conciliation Act, 1996, but, unfortunately, it was dismissed for default and the petitioner is taking steps to restore the same. In the meanwhile, pursuant to an application made by the Financing Company to transfer the ownership, the first respondent/Regional Transport Officer, Srirengam, Tiruchirappalli, has sought for the objections of the petitioner in this aspect. Even though the petitioner field an application before the High Court in



Arb.O.P.No.6027 of 2017, he has not taken any action and the matter is pending for the past two years. Hence, the first respondent issued a notice to show cause as to why further action should not be taken. Aggrieved by the same, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

WEB COPY 2. The learned counsel appearing for the petitioner would submit that the petitioner has already submitted his response.

3. Even though the petitioner has filed his response, without waiting for any orders, the petitioner has rushed to this Court. I consider that the action of the petitioner is premature and the Writ Petition is not maintainable. Even assuming that the petitioner has got a right, he has to exercise it under the provisions of the Arbitration and Conciliation Act, 1996 and not under Article 226 of the Constitution of India. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Regional Transport Officer,
Srirengam, Tiruchirappalli.

+1.CC. To Spl.GP., Advocate in SR No.91854

Order made in
W.P. (MD) No.21466 of 2019
Dated: 14.10.2019

SML

MK (31.10.2019) 2P 3C