



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:20.12.2019

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.27203 of 2019

and

W.M.P(MD)No.23504 of 2019

M.Subramani

... Petitioner

Vs.

1.The Manager,
Commercial Vehicle Collection,
HDFC Bank(P)Limited,
No.34, Krishnaraya Theppakulam Street,
Madurai.

2.The Regional Transport Officer,
Madurai South,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the second respondent to complete the enquiry in No.34673/A2/2019, dated 19.09.2019 and to transfer the name of the ownership of the vehicles bearing No.TN58AQ 9099 Benze Commercial Lorries on the name of the Petitioner within the time stipulated by this Court.

For Petitioner : Mr.K.P.S.Palanivel Rajan
For Respondent-2 : Mr.M.Rajarajan,
Government Advocate

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the second respondent to complete the enquiry in No.34673/A2/2019, dated 19.09.2019 and to transfer the name of the ownership of the vehicle bearing No.TN58AQ 9099 Benze Commercial Lorries in the name of the Petitioner within the time stipulated by this Court.

2.Mr.M.Rajarajan, learned Government Advocate takes notice for the second respondent.

2.By consent of parties, the main Writ Petition is taken up for final disposal.



3.The limited scope of the Writ Petition is seeking for a direction to the second respondent to transfer the name of the ownership of the vehicle bearing No. TN58AQ 9099 Benze Commercial Lorries. The Petitioner is the purchaser from the first respondent, which is the Bank, from whom the original owner of the vehicle, borrowed money. For the default in repayment of the loan amount, the vehicle has been brought to sale and the Petitioner has purchased the same. At the time of getting the name transferred, there seems to be a complaint by the original owner M/s.MPS. Cargo & Shipping Private Limited, Plot No.1, Nehru Street, Sathyamoorthy Nagar, Madurai - 625 010. In view of the objection, a notice was issued on 19.9.2019, calling upon the Petitioner for an enquiry by the second respondent herein. No doubt, enquiry was to be conducted only between the owner of the vehicle and the Bank. The present Writ Petitioner was not made as a party. The Writ Petitioner says that despite purchasing the same, he is unable to ply the vehicle without having valid name transfer, as the vehicle in question being a commercial one.

4.Considering the above facts and circumstances, the second respondent is directed to complete the enquiry, after issuing notice to the original owner of the vehicle in question, the Bank as well as the Petitioner herein, who has subsequently purchased the same and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

1.The Manager,
Commercial Vehicle Collection,
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No.34, Krishnaraya Theppakulam Street,
Madurai.



2.The Regional Transport Officer,
Madurai South,
Madurai.

+1 CC to Mr.K.P.S.PALANIVELRAJAN, Advocate (SR-106301[F] dated
20/12/2019)

+1 CC to SPL.GP (SR-106486[F] dated 27/12/2019)

ORDER MADE IN

W.P (MD) No.27203 of 2019

and

W.M.P (MD) No.23504 of 2019

20.12.2019

MK (22.01.2020) 3P 5C