

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.27263 of 2013

J. Prabhakaran

... Petitioner

Vs

1) The Regional Transport Officer,
Cuddalore.

2) The Superintendent of Police,
Cuddalore District,
Cuddalore.

3) D. Pazhanisamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing respondents 1 and 2 to seize the tractor bearing a) Chassis No.801185, b) Engine No.S3251E 48184, c) Model MF 241 PD, d) dated 09.02.2013, e) Make TAFE and consequently hand it over to petitioner.

For Petitioner : Mr.D. Baskar

For Respondents : Mr.R.S. Selvam,
Government Advocate for
R1 and R2

R3 - Served - No appearance

ORDER

This writ petition has been filed for a Mandamus to direct the respondents 1 and 2 to seize the Tractor bearing Chassis No.801185, (Engine No.S3251E 48184) of TAFE Model MF 241 PD, dated 09.02.2013.

2. It is the case of the petitioner that he is a dealer of Tractors and in a loan mela, without payment of the purchase price, the third respondent took delivery of the aforesaid vehicle bearing Chassis No.801185, (Engine No.S3251E 48184) of TAFE Model MF 241 PD, dated 09.02.2013

and is attempting to register the same with the first respondent and thereby the third respondent has committed theft of the aforesaid vehicle.

3. It is also the case of the petitioner that despite sending several reminders, the third respondent has not paid the dues to the petitioner. Hence, according to them, it is the duty of the respondents 1 and 2 to seize the aforesaid Tractor, since it is being operated by the third respondent, without any registration and insurance. It is his case that no action has been taken by the respondents 1 and 2 with regard to the representation dated 24.08.2013 given by the petitioner. In such circumstances, this writ petition has been filed.

4. Heard Mr.D.Baskar, learned counsel for the petitioner and Mr.R.S. Selvam, learned Government advocate appearing for the respondents 1 and 2. Despite service of notice on the third respondent and his name having been printed in the cause list, there is no representation on his side.

5. The learned Government Advocate appearing for the respondents 1 and 2 has produced instructions dated 03.01.2020 received by him from the Regional Transport Officer, Cuddalore informing him that the subject vehicle has already been registered as early as on 29.11.2013 in the name of the third respondent. Hence according to him, nothing survives for adjudication in this Writ Petition.

6. Further, it is the case of the petitioner that in the loan mela, the third respondent has stolen the vehicle and has not paid the sale price to the petitioner. It is also stated in the affidavit filed in support of the writ petition that several reminders were sent by the petitioner to the third respondent demanding payment of the sale price and despite those reminders, the third respondent has not paid the dues to the petitioner. The dispute between the petitioner and the third respondent is purely civil in nature and hence, a writ petition is not maintainable.

7. It is the case of the petitioner that the third respondent has not paid the sale price to the petitioner for the purchase of the Tractor. Admittedly, no FIR has been registered against the third respondent at the instance of the petitioner for the alleged theft committed by him in the loan mela conducted by the petitioner and other financial institutions.

8.For the foregoing reasons, this Court is of the considered view that there is no merit in this writ petition, as the dispute is purely civil in nature and furthermore, the vehicle which is the subject matter of this writ petition has already been registered in favour of the third respondent as early as in the year 2013 itself. Accordingly, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1) The Regional Transport Officer,
Cuddalore.
- 2) The Superintendent of Police,
Cuddalore District,
Cuddalore.

+1cc to the Government Pleader Sr.9510

W.P. No.27263 of 2013\

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srg 16/03/2020

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