



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.5053 of 2021 and W.M.P.No.5634 of 2021

R.Anitha

... Petitioner

-Vs-

- 1.The Regional Deputy Director
Reserve Bank of India
Rajaji Road, Chennai - 600 001.
- 2.The Commissioner of Transport
Chepauk, Chennai - 600 001.
- 3.The Regional Transport Officer
Office of the Regional Transport
Sankari, Salem District.
- 4.The Regional Transport Officer (South)
Office of Region Transport, Salem.
- 5.The Branch Manager
Axis Bank, Ramakrishna Road
Salem - 636 007.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 3rd respondent from transferring the ownership of vehicle TN 52 AA 1011 from the name of the petitioner to 5th respondent or in favour of anyone by conducting enquiry on the basis of 3rd respondent's Memo No.24279/A1/2020 dated 02.02.2021 by considering petitioner representation dated 08.02.2021 and thus render justice.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.U.Baranidharan, Government Advocate
for R1 to R4

Mr.R.Sreedhar for R5



O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus forbearing the third respondent from transferring the ownership of the vehicle from the name of the petitioner to the fifth respondent or in favour of any other person on the basis of the memo issued by the third respondent on 02.02.2021.

2. Heard Mr.R.Marudhachalamurthy, learned counsel appearing for the petitioner and Mr.U.Baranidharan, learned Government Advocate for the respondents 1 to 4 and Mr.R.Sreedhar, learned counsel for the fifth respondent.

3. It is seen from records that, there is an on-going dispute between the petitioner and the fifth respondent and the same is pending by way of an enquiry before the third respondent. The respondents have filed a counter affidavit and Para 6 of the counter affidavit is extracted herein.

"6. It is submitted that the 5th respondent has already approached this Honourable Court by filing W.P.No.18289 of 2020 seeking to direct this Authority, the 5th respondent herein to remove the entry of blacklisting the vehicle bearing No.TN52AA1011 which is hypothecated to the petitioner therein, the 5th respondent herein so as to enable the registration of the vehicle to the prospective buyers. This Honourable Court in a final order in W.P.No.18289 of 2020 dated 12.12.2020 directed as follows:-

"there shall be a direction to the respondent to complete the entire process and pass final orders strictly in accordance with law from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the respondent along with all the relevant documents and also copy of this order."

4. It is pursuant to the above order, the third respondent has issued a notice to the petitioner as well as the 5th respondent to appear for enquiry. This notice has been put to challenge in this writ petition and the petitioner wants to forbear the third respondent from conducting the enquiry. Even in the affidavit that has been filed in support of the writ petition, apart from raising various issues on merits, the petitioner is only seeking for fixing a the enquiry on a convenient date to enable the petitioner to attend the enquiry



in person and put forth his case. The same is clear from Para 7 of the affidavit filed in support of the writ petition.

5. In view of the above, there shall be a direction to the third respondent to issue fresh notice to the petitioner and the fifth respondent and fix the date of enquiry. The petitioner shall be present on the date of enquiry along with all the relevant documents without fail. The third respondent, after affording opportunity to the petitioner and the fifth respondent, shall pass final orders on its own merits and strictly in accordance with law. The proceedings shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Regional Deputy Director
Reserve Bank of India
Rajaji Road, Chennai - 600 001.
 - 2.The Commissioner of Transport
Chepauk, Chennai - 600 001.
 - 3.The Regional Transport Officer
Office of the Regional Transport
Sankari, Salem District.
 - 4.The Regional Transport Officer (South)
Office of Region Transport, Salem.
 - 5.The Branch Manager
Axis Bank, Ramakrishna Road, Salem - 636 007.
- +1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.37493
+1cc to Mr.R.Sreedhar, Advocate, S.R.No.37917
+1cc to the Government Pleader, S.R.No.37706

W.P.No.5053 of 2021

AK-II (CO)
SB(16/08/2021)