

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.03.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.7032 of 2021

Tamilnad Mercantile Bank Ltd.,
Thiruvarur Branch,
Rep. by its Branch Manager,
29, 29A, Pallivasal Street,
Vijayapuram,
Thiruvarur - 610 001. Petitioner

vs.

The Regional Transport Officer,
Thiruvarur. Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to conclude the proceedings on the issuance of the Financier's Registration Certificate sought by the petitioner in respect of Ashok Leyland Commercial Vehicle Lorry bearing Registration No.TN50 AB-1888 in pursuance of the hearings conducted on 22.07.2020, 20.08.2020 and 14.09.2020 and pass final orders within a time frame.

For Petitioner ... Mr.V.Chandrasekaran

For Respondent ... Mr.Annai Ezhil
Govt. Advocate

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O R D E R

Mr.Annai Ezhil, learned Government Advocate takes notice for the respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to issue a Writ of Mandamus directing the respondent to conclude the proceedings on the issuance of the Financier's Registration Certificate sought by the petitioner in respect of Ashok Leyland Commercial Vehicle Lorry bearing Registration No.TN50 AB-1888 in pursuance of the hearings conducted on 22.07.2020, 20.08.2020 and 14.09.2020 and pass final orders.

3. The petitioner Bank sanctioned term loan to one Mr.A.Claude for the purchase of a lorry on hypothecation agreement. The loan amount became Non-Performing Asset on 30.09.2018 and after issuing recall notice on 01.10.2018, seizure notice was sent on 14.05.2019 and the vehicle was also seized by the Bank on 02.11.2019. The petitioner Bank applied for Financier's Registration Certificate with the respondent on 11.03.2020 and the respondent has also said to have conducted an enquiry by calling upon the borrower on 22.07.2020 and 20.08.2020. But the borrower did not attend on both the hearings. On 14.09.2020, the borrower attended the hearing with his advocate and stated about the pendency of the suit in O.S.No.98/2019. In these circumstances, the petitioner Bank has filed this writ petition for a Mandamus to direct the respondent to conclude the proceedings on the issuance of the Financier's Registration Certification based on the enquiry which were conducted on 22.07.2020, 2008.2020 and 14.09.2020.

4. Considering the limited relief sought for in this Writ Petition, this Writ Petition is disposed of with a direction to the respondent to pass a final order on the petitioner's request for issuance of Financier's Registration Certificate based on the enquiry conducted on 22.07.2020, 20.08.2020 and 14.09.2020, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

सत्यमेव जयते Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vsi

To

The Regional Transport Officer,
Thiruvarur

+1 cc to M/s.V.Chandrasekaran advocate sr18138

+1 cc to the Government Pleader sr18425

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