



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.12284 of 2021

V.Narendran

..Petitioner

.Vs.

1.Road Transport Officer
Chennai (East) Power Mills Road
Pulianthoppu, Chennai- 600 012.

2.Regional Transport Officer
Road Transport Office,
Chennai North- East
Chennai- 600 081.

3. M/s.Escorts Consumer Credit Ltd.,
C-30 Friends Colony (East),
New Delhi- 110065.

4.Mohamed Salaha
No.9 Pensioners Lane,
11 Cross Lane
Old Washermenpet, Chennai 600 021.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to dispose of the representation submitted by the petitioner dates 29.01.2021 and issue a Duplicate RC Book in the name of the petitioner's Vendor and pass.

For Petitioner: Mr.K.Bhavani Prasad

For Respondents: Mr.U.Baranidharan
Government Advccate
for R 1 and R 2

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus directing the 2nd respondent to issue duplicate R.C.book in the name of the 4th respondent, who was the original owner of the vehicle.

2.The case of the petitioner is that the 4th respondent was owning a two wheeler which was purchased under a hire purchase scheme with the final assistance given by the 3rd respondent Company. The further case of the petitioner is



that the 4th respondent has repaid back the entire loan to the 3rd respondent and he was also given back the original R.C.book pertaining to the two wheeler.

3.The petitioner purchased the two wheeler from the 4th respondent during the month of January 2020. When the petitioner was insisting for the original R.C.book from the 4th respondent, he was informed that the original R.C.book has been lost. The petitioner therefore made an application before the 2nd respondent seeking for duplicate R.C.book. Since the same was not considered, the present writ petition has been filed before this court seeking for appropriate directions.

4.Heard Mr.K.Bhavani Prasad, learned counsel for the petitioner and Mr.U.Baranidharan, learned Government Counsel appearing on behalf of the respondents 1 and 2.

5.The learned Government Counsel appearing on behalf of the 1st and 2nd respondents submitted that the vehicle was under hire purchase and the 3rd respondent Company had given loan for the purchase of the vehicle. Therefore, the 2nd respondent had directed the petitioner to get the no objection certificate from the 3rd respondent and submit the same with relevant forms to enable the 2nd respondent to issue the duplicate R.C.book for the two wheeler. The learned Government counsel further submitted that the 2nd respondent has also made a communication to the 3rd respondent with regard to the request made by the petitioner and had directed the 3rd respondent Company to give the no objection certificate along with Form 35 in duplicate. The learned Government counsel submitted that if these documents are furnished to the 2nd respondent, the 2nd respondent will process the application given by the petitioner and issue duplicate R.C.book. The learned Government counsel based on instructions submitted that the 3rd respondent is actively functioning at Delhi and therefore, the petitioner can always get the no objection certificate and the relevant Form and submit the same before the 2nd respondent.

6.Taking into consideration the facts and circumstances of the case and the submissions made on either side, there shall be a direction to the petitioner to send a communication to the 3rd respondent through post and e-mail along with a copy of this order. The 3rd respondent on receipt of the same shall issue a no objection certificate along with relevant Form to enable the petitioner to get the duplicate R.C.book. The 3rd respondent shall provide the no objection certificate and relevant Forms within a period of two weeks from the date of receipt of copy of this order. Immediately on receipt of the same, the same shall be furnished to the 2nd respondent and the 2nd respondent shall issue the necessary duplicate R.C.book within a period of two weeks thereafter.



7.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

KP

To

1.Road Transport Officer
Chennai (East) Power Mills Road
Pulianthoppu, Chennai- 600 012.

2.Regional Transport Officer
Road Transport Office,
Chennai North- East
Chennai- 600 081.

+1cc to Mr.M.Sudan, Advocate, S.R.No.42580
+1cc to the Government Pleader, S.R.No.42655

W.P.No.12284 of 2021

PCH(CO)
GN(17/09/2021)