

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 8774 of 2021

S.Nithyalakshmi

...Petitioner

Vs.

1. The Registering Authority
Regional Transport Office
Tiruchencode
Namakkal District.
2. Mahindra & Mahindra Financial Services Ltd.
No.18D6-10 First Floor, Bhavani Main Road
Settia Gounder Complex
Salem - 637 301.
3. Alagesan ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the First Respondent to remove the vehicle Mahindra Multi Axle Goods Truxo Vehicle bearing registration number TN 34 X 6104 from BLACKLIST and to accept the surrender of the vehicle to change the permit in favour of the petitioner without the presence of the Third Respondent and change the ownership to Petitioner without the presence of the third respondent, in light of the petitioners representation, dated 16.03.2021.

For Petitioner : Mr. K.Pragadeesh Kumar

For Respondents : Mr. R.S.Selvam (For R1)
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal, at the time of admission itself.

2.This Writ Petition has been filed for a direction to the First Respondent to remove the Mahindra Multi Axle Goods Truxo Vehicle bearing registration number TN 34 X 6104 from the blacklist and accept the surrender of the vehicle to change the permit and ownership in the RC book, in favour of the

Petitioner, without the presence of the Third Respondent, based on the Petitioner's representation, dated 16.03.2021.

3. According to the Petitioner, she purchased the subject vehicle from the Mahindra Finance on 27.11.2020 through public auction. From the date of purchase, she is in possession of the same. After receipt of the original RC book, she approached the first respondent for transfer of name, at that time, she was informed that the subject vehicle was in blacklist based on the objection submitted by the original owner viz., Alagesan / third respondent herein. Stating that the petitioner purchased the subject vehicle through public auction in legal means and no objection letter was issued by the Mahindra Finance to the first respondent and the Insurance Company, removing the hypothecation clause, she submitted a representation dated 16.03.2021 to the first respondent requesting to remove the vehicle from the blacklist and accept the surrender of the vehicle for change of permit and ownership, without the presence of the third respondent and the said representation is pending without any progress. Hence, this writ petition.

4. Heard Mr. K. Pragadeesh Kumar, Learned Counsel for the Petitioner and Mr. R.S. Selvam, Learned Government Advocate, who takes notice for the First Respondent.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the first Respondent to consider the representation of the Petitioner dated 16.03.2021 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the respondents 2 and 3, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Registering Authority
Regional Transport Office
Tiruchencode, Namakkal District.

+1cc to Mr.K.Pragadeesh Kumar , Advocate SR.No. 22833
+1 cc to Government Pleader Sr.No. 22443

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AJB (CO)
A.SK(22.06.2021)



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