

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

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 8780 of 2021

G.Alagan

...Petitioner

Vs.

1. The Registering Authority
Regional Transport Office
Virudhachalam
Cuddalore District.
2. Cholamandalam Investment and Finance Co. Ltd.
AVS Adarash Complex, 719
Pathari Road, Anna Salai
Chennai - 600 006.
3. Victor ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the First Respondent to remove the JCB vehicle bearing registration number TN 31 CA 2363 from BLACKLIST and to accept the surrender of the JCB vehicle to change the ownership to Petitioner without the presence of the Third Respondent, in light of the Petitioner's representation, dated 18.03.2021 within a stipulated period as may be fixed by this Court.

For Petitioner : Mr. K.Pragadeesh Kumar

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

ORDER

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 JCB vehicle bearing registration number TN 31 CA 2363 from BLACKLIST and to accept the surrender of the JCB vehicle to change the ownership to Petitioner without the presence of the Third Respondent, in light of the Petitioner's representation, dated 18.03.2021.

3. According to the Petitioner, he purchased the subject vehicle from the Mahindra Finance on 31.12.2019 through public auction. From the date of purchase, he is in possession of the same. After receipt of the original RC book, he approached the First Respondent for transfer of name, at that time, he was informed that the subject vehicle was in blacklist based on the objection submitted by the original owner viz., Victor / 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, he submitted a representation dated 18.03.2021 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 18.03.2021 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the Petitioner as well as the Second and Third Respondents, 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.

सत्यमेव जयते Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

Maya
To

1. The Registering Authority
Regional Transport Office
Virudhachalam
Cuddalore District.

+1cc to Mr. K. Pragadeesh Kumar, Advocate SR.No. 22831

W.P. No. 8780 of 2021

AJB (CO)
A.SK(22.06.2021)