

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.04.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 12924 of 2020

Dugar Finance & Investments Ltd.
Represented by its Mr.T.Rajasekar
"Dugar Towers"
No.34 (123), Marshalls Road
Egmore, Chennai - 600 008.

...Petitioner

Vs.

1. The Regional Transport Office
No.58, Old State Bank Colony Road
Kishkinta Road
Tambaram West
Chennai - 600 045.

2. Mr. Easwar Srikumar
S/o.Easwar Iyer
No.1, Beach Road
MGR Salai
Neelankarai
Chennai - 600 041.

... 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 consider the Petitioner's Representation dated 18.02.2020 and to remove the unnecessary and unwarranted objections filed by the Second Respondent and change the owner name in vehicle bearing Registration No. TN 11 Q 0003.

For Petitioner : Mr. M.Aravind Subramaniam

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

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O R D E R

This Writ Petition has been filed for a direction to the First Respondent to consider the Petitioner's Representation dated 18.02.2020 and to remove unnecessary and unwarranted objections filed by the Second Respondent and change the name of the owner in the vehicle bearing Registration No. TN 11 Q 0003.

2. According to the petitioner, it is a Non-banking Finance Company, registered under the provisions of the Companies Act, 1956. For the purpose of buying a new Toyota Etios Car bearing Registration No. TN 11 Q 0003, the second respondent approached the petitioner during the month of April, 2014, with a request to sanction loan, pursuant to which, they entered into a loan agreement dated 29.04.2014 bearing No. L.427 for a sum of Rs. 7,75,000/- along with finance charges of Rs. 3,72,000/- and BPFC of Rs. 1292/- totalling Rs. 11,48,292/-. The said amount was payable by the second respondent in 36 monthly instalments i.e., Rs. 32,500/- x 35 months and last instalment at Rs. 10,792/- and the first instalment commenced on 01.05.2014 and the last instalment will end on 01.04.2017. Whereas, the second respondent defaulted in payment of instalment and he paid only one instalment. Since he has not taken any steps to pay the outstanding amount, the petitioner seized the said vehicle in term of the Loan Agreement and sold the same on 13.09.2017 to a Third Party. Subsequently, when the buyer approached the First Respondent to change the name of the ownership in respect of the said vehicle, it was informed that the Second Respondent filed an objection. Immediately, the petitioner submitted a representation dated 18.02.2020 to the first respondent, which is kept pending without any consideration. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent and also perused the materials placed before this Court.

4. Considering the limited relief sought herein, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 18.02.2020 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the Petitioner as well as the second respondent within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of with the above direction. No costs.

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Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Regional Transport Office
No.58, Old State Bank Colony Road
Kishkinta Road, Tambaram West, Chennai - 600 045.

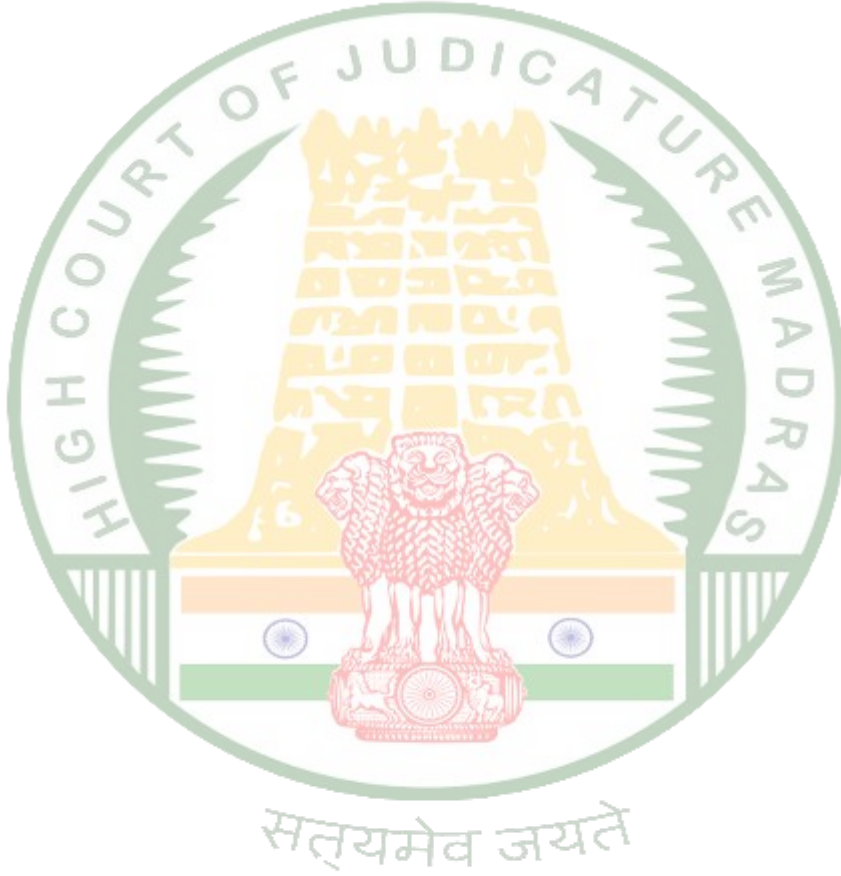
+1cc to Mr. Aravind Subramaniam, Advocate SR.No. 23591

+1 cc to Government Pleader Sr.No. 23996

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GSM (CO)

A.SK 12/07/2021



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