



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No.19686 of 2021

M/s.Indusind Bank Ltd.,
Rep. by its Manager Legal N.Veeraragavan
having office at No.115 & 116
G.N.Chetty Road, T.Nagar,
Chennai 600 017.

.. Petitioner

Vs

- 1.The Joint Transport Commissioner (Rules)
Office of the Transport Commissioner,
Ezhilagam, Chepauk
Chennai 05.
- 2.The Deputy Transport Commissioner,
Office of the Deputy Transport Commissioner,
No.4 Anderson Salai
Near Ayanavaram Bus Terminus
Ayanavaram,
Chennai 23.
- 3.The Regional Transport Officer,
Regional Transport Office, Salem (East)
No.5, 135 Salem Cooperative Industrial Estate Building,
Udayapatty Post,
Salem 636 140

4.A.Chandran

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 3rd respondent to issue financier registration certificate in the name of the petitioner, M/s.Indusind Bank Ltd. for commercial vehicle bearing registration No.TN 54 P 4549 within a time frame that may be fixed by this Court.

For Petitioner : Mr.Meera Gnanasekar

For Respondents : Mr.U.Baranidharan for R1 to R3
Government Advocate



ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the third respondent to issue financier registration certificate in the name of the petitioner for the commercial vehicle bearing Registration No.TN 54 P 4549.

2.The case of the petitioner is that they financed 4th respondent to the tune of Rs.32,73,759/- for the purchase of commercial vehicle. Accordingly, the 4th respondent also entered into a loan agreement with the petitioner and the vehicle was purchased in the name of the 4th respondent. Thereafter, the 4th respondent started defaulting the payment of the monthly instalments. The petitioner bank left with no other option repossessed the vehicle on 24.08.2020 as per the terms and conditions of the loan agreement. The vehicle is now in the custody of the petitioner.

3.The petitioner made an application before the third respondent seeking for issuance of financier registration certificate in their name. The third respondent, on receipt of the same, initiated proceedings and an enquiry was also conducted by issuing notice to the petitioner and the 4th respondent. The 4th respondent seems to have informed the third respondent that he has initiated some civil proceedings and as a result of the same, the application submitted by the petitioner is kept pending by the third respondent. Left with no other option, the present writ petition has been filed before this Court seeking for appropriate directions.

4.The learned Government Advocate appearing on behalf of the respondents 1 to 3, based on the written instructions received from the third respondent, submitted that the fourth respondent had informed the third respondent that he has initiated proceedings against the action taken by the petitioner bank. Accordingly, the third respondent had sought for the particulars from the 4th respondent regarding the initiation of proceedings. However, the 4th respondent seems to have only filed the case, which has not even been numbered till today.

5. In the considered view of this Court, the petitioner has already repossessed the vehicle by virtue of the terms and conditions of the loan agreement and therefore, as a hypothecation authority, the petitioner is entitled for the financier registration certificate in their name. Merely because the 4th respondent has filed some case before this Court, which has not even been numbered, the third respondent cannot keep the application pending endlessly. Ultimately, if the 4th respondent succeeds in the proceedings, it will have its own consequences and till then, the petitioner cannot be deprived of the right derived from the loan agreement.



6. In view of the above discussion, there shall be a direction to the third respondent to process the application submitted by the petitioner and if the petitioner satisfies all requirements, proceed further to issue the financier registration certificate in the name of the petitioner. This process shall be completed by the third respondent within two weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

RR

To

- 1.The Joint Transport Commissioner (Rules)
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Salem 636 140

+1cc to Mr.Meera Gnanasekar, Advocate SR.No.47254

+1cc to Government Pleader SR.No.47520

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PL(CO)
GMY(11/10/2021)