



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20685 of 2021

Augustin Jebaraj

... Petitioner

-Vs-

1.The Assistant Registering Authority
Chennai (South West), RTO
No.47 & 49, Kaliyamman Koil Street
Sai Nagar, Virugambakkam,
Chennai, Tamil Nadu.

2.Nidhi Kiruba and Co
Represented by its Authorised Officer
No.166/5, Sakthi Colony, 4th Avenue
Shanthi Colony Main Road
Anna Nagar, Chennai - 600 040.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to forbear from the act of mutilating the Registration Certificate pertaining to the Toyota Innova (bearing Registration Number TN 10 Y 5524) by considering the petitioner's representation dated 26.08.2021.

For Petitioner : Mr.B.Gurumurthy

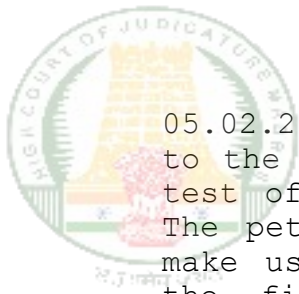
For Respondents : Mr.A.Selvendran, Government
Advocate-for R1

ORDER

This writ petition has been filed for the issue of a writ of Mandamus forbearing the respondents from mutilating the Registration Certificate pertaining to the car belonging to the petitioner after considering the representation made by the petitioner on 26.08.2021.

2. Heard Mr.B.Gurumurthy, learned counsel for the petitioner and Mr.A.Selvendran, learned Government Advocate appearing for the first respondent.

3. In the considered view of this Court, the petitioner is questioning the validity of the hire purchase agreement dated



05.02.2018 that stands in favour of the second respondent. According to the petitioner, such a hire purchase agreement will not stand the test of law because the petitioner is the actual owner of the car. The petitioner therefore apprehends that the second respondent will make use of the said agreement and will file an application before the first respondent and mutilate the Registration Certificate pertaining to the car. The nature of grievance that has been expressed by the petitioner cannot be gone into either by the first respondent or by this Court. The petitioner has to necessarily agitate his rights only before a competent Court questioning the hire purchase agreement. If the petitioner apprehends that the Registration Certificate will be mutilated by the second respondent, an appropriate interim application must be filed seeking for interim orders to safeguard the interest and the right of the petitioner. Except giving this clarity, no further orders can be passed in this writ petition.

4. This writ petition is disposed of. No costs.

KST

-SD/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Assistant Registering Authority
Chennai (South West), RTO
No.47 & 49, Kaliasman Koil Street
Sai Nagar, Virugambakkam,
Chennai, Tamil Nadu.

2.The Authorised Officer
Nidhi Kiruba and Co
No.166/5, Sakthi Colony, 4th Avenue
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Anna Nagar, Chennai - 600 040.

+1 C.C. to Government Pleader SR.NO. 50900/2021

W.P.No.20685 of 2021

PMK (CO)
TP (21/10/2021)