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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2021

Coram

The Honourable Mr. Justice D.KRISHNAKUMAR

W.P.No.18295 of 2020

V.Appu

...Petitioner

Versus

1. The Regional Transport Officer,
Office of the Regional Transport Office,
Thiruvannamalai - 606 602.
2. The Sub-Inspector of Police,
Thiruvannamalai Rural Police Station,
Thiruvannamalai.
3. C.Raji

(R3 is impleaded by this Court vide order dated 24.06.2021 in W.M.P.No.13924 of 2021)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to take on file the Name Transfer application of the petitioner which was returned vide Proceedings bearing No.a.thi.mu.no.42168/B2/2020 dated 07.11.2020 and thereon direct the first respondent to effect Name Transfer of Registration Certificate as sought for in the said application pertaining to the Vehicle model Toyota Innova Car bearing Registration No.TN-25AD 9595.

For Petitioner : Mr.M.Sankar

For Respondents - 1 & 2 : Mr.M.R.Gokul Krishnan,
Government Advocate



O R D E R

(The case has been heard through video conference)

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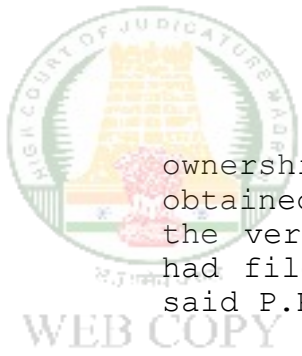
The present writ petition has been filed by the petitioner seeking to direct the first respondent to take on file his Name Transfer application which was returned vide Proceedings bearing No.a.thi.mu.no.42168/B2/2020 dated 07.11.2020 and to effect Name Transfer of Registration Certificate as sought for by him, pertaining to the Vehicle model Toyota Innova Car bearing Registration No.TN-25AD 9595.

2. It is the case that the petitioner had purchased his Vehicle model Toyota Innova Car bearing Registration No.TN-25AD 9595 from one P.Kumar and thereafter, due to some financial crisis, he had sold the said vehicle to one S.Bharathi, by way of Sale Agreement dated 22.09.2020 and he had applied for Name Transfer of the Original R.C.Book along with Form 29 & 30 of the buyer on 16.10.2020. The said Name Transfer Application was returned by the first respondent vide proceedings in a.thi.mu.no.42168/B2/2020 dated 07.11.2020 for the reason that CrI.O.P.No.12736 of 2020 is pending before this Court in respect of the aforesaid vehicle.

2.1. According to the petitioner, the CrI.O.P.No.12736 of 2020 was disposed of by this Court vide order dated 20.08.2020. While so, on 11.09.2020, the second respondent had issued an enquiry notice to the petitioner, calling upon him to appear for enquiry on 12.09.2020, in respect of the disposal of said criminal original petition. The petitioner also appeared for the enquiry conducted by the second respondent.

2.2. The second respondent had sent a letter to the first respondent stating that the aforesaid criminal original petition is still pending, based on which, the first respondent returned the petitioner's Name Transfer Application. Hence, the petitioner has filed the present writ petition for the relief stated supra.

3. In the counter affidavit by the first respondent, it is stated that one S.Raji (third respondent herein) had sent a petition to the first respondent's office on 07.10.2020 alleging that the said P.Kumar, original owner of the aforesaid vehicle had sold the said vehicle to him and delivered the original certificate of registration and records for getting transfer of



ownership. It is further stated that the said P.Kumar illegally obtained a fresh smart card registration certificate and sold the very same vehicle to the petitioner. Hence, the said Raju had filed the aforesaid criminal original petition against the said P.Kumar.

4. The learned Government Advocate appearing for the respondents 1 & 2 would submit that the said P.Kumar was the owner of the subject vehicle and he sold the said vehicle to the third respondent. He would further submit that the Name Transfer Application of the petitioner was received by the first respondent and the first respondent has proceeded with the enquiry in this regard and the same is pending.

5. The learned counsel for the petitioner prays this Court to issue appropriate direction to the first respondent to proceed with the enquiry only after granting an opportunity of personal hearing to the parties concerned.

6. Heard the learned counsel on both sides and perused the materials available on record.

7. In view of the submissions made by the learned counsel on both sides, this Court directs the first respondent to afford an opportunity of personal hearing to the concerned parties and thereafter, proceed with the enquiry and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

mrr



To:

1. The Regional Transport Officer,
Office of the Regional Transport Office,
Thiruvannamalai - 606 602.

2. The Sub-Inspector of Police,
Thiruvannamalai Rural Police Station,
Thiruvannamalai.

+1cc to Mr.M.Sankar, Advocate, S.R.No.29212
+1cc to the Government Pleader, S.R.No.29380

W.P.No.18295 of 2020

GPL (CO)
SU (13/08/2021)