

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 15.02.2021

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P. No.23653 of 2017

G.Manikandan,  
S/o.Ganesan

... Petitioner

-vs-

1. The Regional Transport Authority,  
Chennai East, Chennai-12.
  2. The Assistant Commissioner of Police,  
H-8, Tiruvottiyur Police Station,  
Chennai - 600 019.
  3. The Inspector of Police (Crime),  
H-8, Tiruvottiyur Police Station,  
Chennai - 600 019.
  4. Chandrasekar
  5. Kanigainathan
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 1<sup>st</sup> respondent to from transferring the ownership of the vehicle bearing No.TN-04-AL-1180 and TN-04-AM-2583 without due process of law.

For Petitioner : No appearance  
For Respondents : Mr.M.D.Ilayaraja  
Government Advocate

ORDER

It is noticed that this case has been listed on several occasions however there is no representation on behalf of the petitioner. Hence this case is taken up for final hearing.

2. The writ petition has been filed by the petitioner to forbear the 1<sup>st</sup> respondent from transferring the ownership of the vehicles bearing Registration Nos.TN-04-AL-1180 and TN-04-AM-2583 without due process of law.

3. It appears that the petitioner is running a transport company in the name and style of Praveen Transport and had taken loan for purchase of lorries from the 4<sup>th</sup> respondent. As there were defaults by the petitioner in paying the outstanding, the 4<sup>th</sup> respondent had initiated proceedings to transfer the ownership in the lorries which financed by the 4<sup>th</sup> respondent.

4. The petitioner appears to have also filed a criminal complaint, which came to be registered under Crime No.2045/2017. The said complaint was investigated and eventually closed on 13.12.2017 as 'mistake of fact'. The 3<sup>rd</sup> respondent in their counter has also confirmed the same.

5. The learned counsel for the 2<sup>nd</sup> & 3<sup>rd</sup> respondents has now filed a copy of the letter issued by the 1<sup>st</sup> respondent/Regional Transport Authority, wherein, it has been confirmed that the vehicles bearing Registration Nos.TN-04-AL-1180 and TN-04-AM-2583 have been transferred from the name of Tvl.Global Carriers, No.71/37, Ibrahim Sahib Street, Chennai to the name of Tvl.Sri Thirumala Transport, No.504/4, Srijith Complex, 200 feet Ring Road, Madhavaram, Manali Bypass Road, Chennai - 600 060 on 26.02.2018.

6. The present writ petition is not maintainable as there is a private dispute between the petitioner and the petitioner's financier namely the 4<sup>th</sup> respondent. In terms of security executed by the petitioner for the loan arranged from the 4<sup>th</sup> respondent, the 4<sup>th</sup> respondent appears to have taken steps for seizing the lorry and has eventually effected name transfer in the Registration Certificate. Since the issue is primarily a private dispute between the petitioner and the 4<sup>th</sup> respondent, no writ petition lies under Article 226 of Constitution of India to decide private dispute between two parties.

7. It is for the petitioner to file appropriate suit to recover the amount for the loss sustained by him in case the 4<sup>th</sup> respondent had breached the conditions of contract between them. It is not open for the petitioner to restrain the respondents from transferring the name in the Registration Names Certificate.

8. The Writ Petition is disposed of with the above observations. No costs.

Sd/-

Assistant Registrar (CS.VIII)

/True Copy/

Sub Assistant Registrar

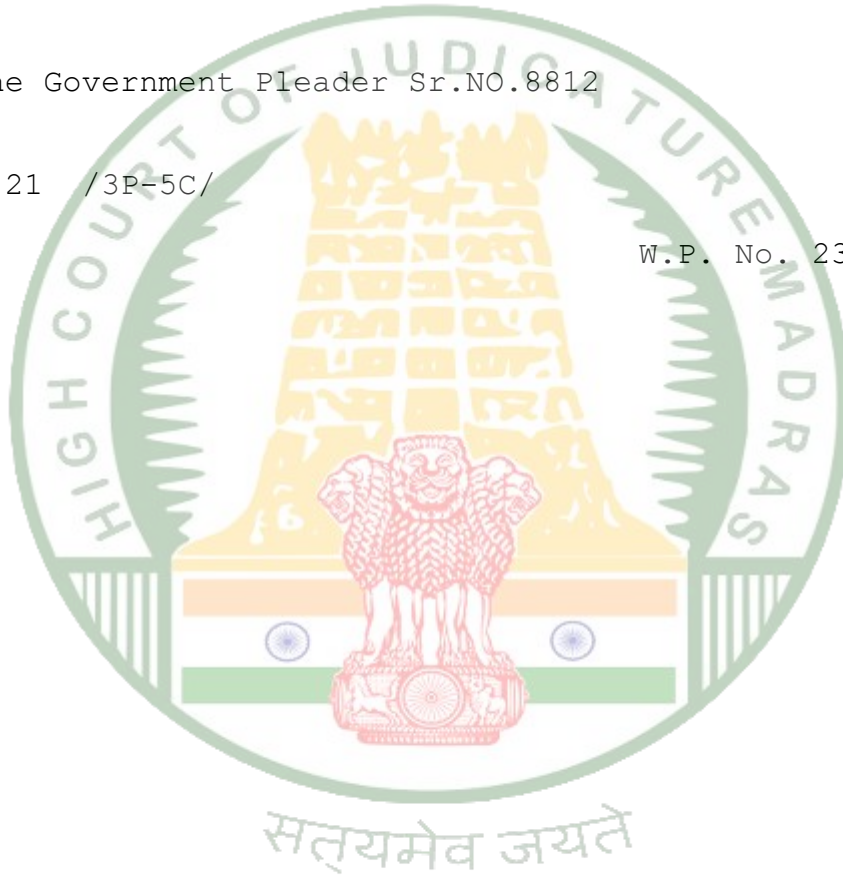
To:

1. The Regional Transport Authority,  
Chennai East, Chennai-12.
2. The Assistant Commissioner of Police,  
H-8, Tiruvottiyur Police Station,  
Chennai - 600 019.
3. The Inspector of Police (Crime),  
H-8, Tiruvottiyur Police Station,  
Chennai - 600 019.

+1cc to The Government Pleader Sr.NO.8812

AKM/16.03.21 /3P-5C/

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