



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18391 of 2020

J.Karunanithi

... Petitioner

Vs.

1.The Registering Authority cum
Regional Transport Officer,
Sri Rangam,
Trichy.

2.The HDFC Bank Ltd,
Represented by its Branch Manager,
Thillai Nagar,
Trichy.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to transfer the ownership of the vehicle namely ASHOK LEYLAND/3718/OPEN GOODS bearing Regn. No. TN 48 AR 2970 in the petitioners name (J.Karunanithi) based on the petitioners, representation dated. 3.12.2020 and for other reliefs.

For Petitioner : Mr.B.Micheal Sebastin

For Respondent : Mr.M.Rajarajan,
No.1 Additional Government Pleader

O R D E R

Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the 1st respondent. Considering the relief to be granted notice to the 2nd respondent is dispensed with.

2.The 2nd respondent is a financier. The petition mentioned vehicle was hypothecated in favour of the 2nd respondent by one Balakumar, the said Balakumar appears to have committed default. Therefore, the financier seized the same by exercising contractual powers. On 12.08.2020, it was sold in public auction. The petitioner had purchased the vehicle by paying a sum of Rs.17,13,000/- and the auction sale was also over and the physical possession of the vehicle was issued in favour of the petitioner.

3.The 2nd respondent had also given no objection for entering the name of the petitioner in the RC Book. Based on the same, the petitioner has approached the 1st respondent for name transfer but



the 1st respondent had declined to effect the name transfer. Therefore, the writ petition is filed.

4.The learned Additional Government Pleader appearing for the 1st respondent submitted that as per Section 51(5) of the Motor Vehicles Act, from the name of the registered owner, the transfer should be in favour of the financier and only thereafter, it can be changed into the name of the eventual purchaser. Technically the said submission is correct. But I am of the view of that financier has given no objection and it would only be a formality to undergo such a procedure.

5.In any event, the issue raised in the writ petition is covered by order dated 31.07.2019 in W.P(MD)No.s20788 and 18452 of 2019[T.Kalaiselvi Vs. The Registering Authority, RTO, Perundurai and Others]. In fact I have also taken the very same view in one of the orders in W.P(MD)No.16431 of 2017 dated 12.12.2018 [T.K.S.Udhmaan Kani Vs. The Regional Transport Officer, Nagercoil].

6.Therefore, in the light of the above two orders, the writ petition is disposed of by directing the 1st respondent to follow the procedure set out in Section 51(5) of the Motor Vehicles Act. The 1st respondent will issue notice to the Registered owner and if any notice is already issued, there is no need to issue notice afresh, then transfer of the ownership will be effected in favour of the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Dsk

To:-

The Registering Authority cum
Regional Transport Officer,
Sri Rangam, Trichy.

+1 CC to M/s.B.MICHEAL SEBISTIN, Advocate (SR-4043[F] dated 09/02/2021)

+1 CC to SGP (SR-3993[F] dated 09/02/2021)

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NR (09/02/2021) 2P : 4C