



WEB COPY

W.P(MD)No.18819 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 30.04.2021

DELIVERED ON : 16.06.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.18819 of 2020

Ravichandran

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Karur,
Karur District.

2.Banumathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to remove the petitioner's Maruthi Swift Dzire Car bearing registration No.TN-47-AL5688 from Block List maintained by the 1st respondent on the basis of the petitioner's representation dated 08.06.2020.

For Petitioner : Mr.S.Deenadhayalan

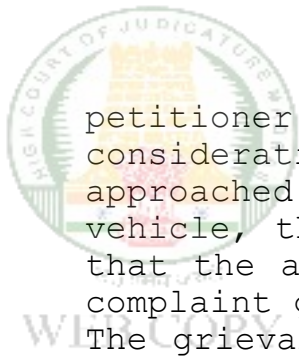
For 1st respondent : Mrs.J.Padmavathi Devi,
Special Government Pleader

For 2nd respondent : Mr.R.Devaraj

ORDER

This writ petition has been filed by the petitioner for a direction to the 1st respondent to remove the Maruthi Swift Dzire Car bearing Registration No.TN-47-AL5688 from "Block List"by considering his representation dated 08.06.2020.

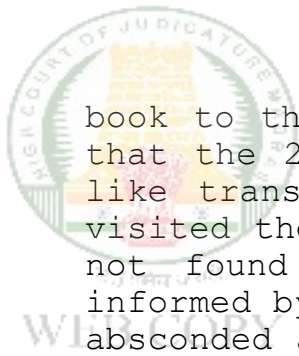
2. The learned counsel appearing for the petitioner submitted that the above said car was owned by the 2nd respondent and the 2nd respondent sold the said car to one Murugesan who has been dealing with the used cars sales business in the name and style of "Sri Murugan Auto Works", Karur, along with all the original documents relating to the car. He would further submit that on 05.05.2019 the



petitioner purchased the above said car for a valid sale consideration from the said Murugesan. When the petitioner approached the 1st respondent for transfer of ownership of the said vehicle, the 1st respondent denied to transfer the ownership stating that the above said car number has been block listed, based on the complaint given by the 2nd respondent, original owner of the vehicle. The grievance of the petitioner is that though he has produced the original RC Book, Sale Consideration Receipt, Transfer of Ownership Form and Delivery Note, the first respondent, without any valid reason, denied to transfer the ownership of the vehicle only based on the false complaint given by the 2nd respondent. Having sold the vehicle, the 2nd respondent has no right to give complaint against the petitioner. As the block list was made only based on the false complaint given by the 2nd respondent, the petitioner also lodged a Police complaint against the 2nd respondent. Hence, now there is no impediment for the 1st respondent to remove the above said car number from the Block List and to transfer the ownership of the said vehicle. In this regard, the petitioner has also sent a representation on 08.06.2020 to the 1st respondent. But, till date there is no response to the same. Hence, the petitioner has come up with this writ petition for the aforesaid prayer. Thus, he prayed to allow this writ petition.

3. The learned counsel appearing for the 1st respondent submitted that the petitioner himself admitted that he has not purchased the vehicle from the owner of the vehicle, but from a car mechanic. Further, only based on the complaint given by the 2nd respondent, the vehicle in question has been block listed. As per Section 50(1) of the Motor Vehicles Act, 1988 r/w Rule 55 of the Central Motor Vehicles Rules, 1989, the application for transfer of ownership should be filed within 14 days of transfer of vehicle. In this case, the petitioner has chosen to apply for transfer of ownership after a lapse of 10 months from the date of purchase. The petitioner has used the vehicle without getting the vehicle transferred in his name, as admitted by himself, which is certainly violation of rule provisions. As the subject issue is pending before the Police and Court of law, the petitioner ought to have been impleaded the concerned Police authorities. But, he has failed to do so. Hence, the writ petition deserves no consideration and is liable to be dismissed.

4. The learned counsel appearing for the 2nd respondent submitted that the 2nd respondent along with her husband purchased the vehicle in question on 12.04.2019 and due to financial constrain, the 2nd respondent and her husband decided to sell the car. While so, one Murugesan who was having a workshop approached the husband of this respondent and also given an assurance that he would sell the car at a maximum price of Rs.8 lakhs and for that purchase, he insisted the custody of the car to be parked in his workshop so as to elicit the same for inspection by the customer and original RC book and hence, the 2nd respondent handed over the car and original RC



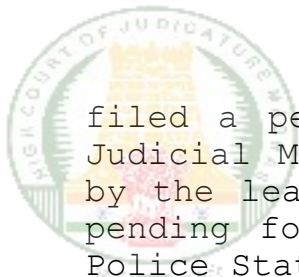
book to the custody of the said Murugesan. He would further submit that the 2nd respondent has not signed in any document or any form like transfer of ownership. When the husband of this respondent visited the workshop during the month of January, 2020, the car was not found where it was parted earlier and on enquiry, it was informed by an employee of the said workshop that the said Murugesan absconded after getting so many loans from number of persons. After a long search, it was found that the car is in the custody of the petitioner. When the 2nd respondent asked the petitioner to return the vehicle, he refused to do so. Hence, the husband of the 2nd respondent gave a Police complaint on 17.03.2020 against the petitioner and also the said Murugesan. As a counter bast, the petitioner also gave a complaint. But, after seeing the documents produced by the petitioner, the Police authority refused to register the complaint given by the petitioner. In view of the delay inaction of the Police, the 2nd respondent gave a complaint on 30.06.2020 to the Superintendent of Police, Karur District for which a CSR No.264/2020 has been given. Even thereafter, there was no progress in the case. Hence, the 2nd respondent has filed a petition under Section 156(3) Cr.P.C. in CrI.(MP).No.854 of 2020 on the file of the Judicial Magistrate No.II, Karur. After taking cognizance, the learned Magistrate, by order dated 13.08.2020, directed the Inspector of Police, Veliyanai Police Station to file a report and posted the matter for hearing on 20.11.2020 and thereafter, it is adjourned to 10.05.2021 for filing report.

5. The learned counsel appearing for the 2nd respondent would further submit that the vehicle in question is in illegal custody of the petitioner and the petitioner in collusion with the said Murugesan cheated the 2nd respondent and forged the signature of the 2nd respondent. Therefore, the relief sought for by the petitioner may not be granted. Thus, he prayed to dismiss this writ petition.

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

7. The case of the petitioner is that he purchased the vehicle in question for a valid sale consideration along with the necessary documents like original RC book, sale consideration receipt, Transfer of ownership form, delivery note, etc', from one Murugesan and having sold the car to the said Murugesan with necessary documents, the 2nd respondent has given a false complaint to the effect that the car is stolen and in this regard, he lodged an online complaint to the Inspector of Police, Vellaiyanai Police Station Karur against the 2nd respondent.

8. According to the 2nd respondent, she had handed over only car along with original RC book to the said Murugesan and she never received any sale consideration or signed in any one of the documents relating to the sale of the car either in favour of the said Murugesan or the petitioner. In this regard, the 2nd respondent has lodged a complaint and as it was not registered, she



filed a petition under Section 156(3) Cr.P.C. on the file of the Judicial Magistrate No.II, Karur and the same was taken cognizance by the learned Magistrate in CrI.M.P.(MD).No.854 of 2020 and it is pending for filing report by the Inspector of Police, Vellaiyanai Police Station.

WEB COPY

9. The averments made by the petitioner shows that the petitioner has not purchased the vehicle in question from the person in whose name it shall stand registered on the file of the first respondent. Though the petitioner stated to be purchased the vehicle as early as on 15.05.2019 from one Murugesan, he applied for transfer of ownership of vehicle belatedly and he kept silent till the issue of ownership arose. It is needless to say that holding of a vehicle without valid transfer of ownership is illegal.

10. As the issues with regard to purchase and ownership of the car are pending before the Police and the Court below, it would not be proper on the part of this Court to direct the first respondent to transfer the ownership of the vehicle in question by considering the representation of the petitioner dated 08.06.2020. Hence, this Court is inclined to dismiss this writ petition.

11. In the result, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

bala

To,

1.The Regional Transport Officer,
Regional Transport Office,
Karur,
Karur District.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-19387[F] dated 16/06/2021)

+1 CC to M/s.SPL GP (SR-19516[F] dated 17/06/2021)

+1 CC to M/s.R.DEVARAJ, Advocate (SR-19482[F] dated 17/06/2021)

order made in
W.P(MD)No.18819 of 2020
16.06.2021