



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.24979 of 2019

G.Ananda Babu

... Petitioner

Vs.

The Regional Transport Officer,
Regional Transport Office,
Madurai North,
Madurai.

... Respondent

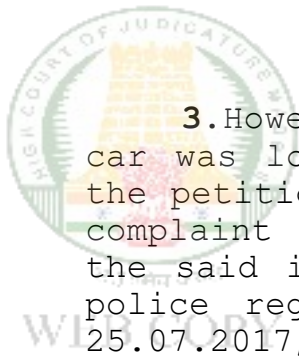
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order in A thi Mu.Na.Ka.No.58467/E1/2019 dated 22.10.2019 issued by the respondent and quash the same as illegal and consequently direct the respondent to issue the theft endorsement certificate based on the representation sent by the petitioner dated 04.10.2019.

For Petitioner	: Mr.S.Pakalavan
For Respondent	: Mr.D.Gandhiraj
	Government Advocate

ORDER

The prayer sought for is a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order in A thi Mu.Na.Ka.No.58467/E1/2019 dated 22.10.2019 issued by the respondent and quash the same as illegal and consequently direct the respondent to issue the theft endorsement certificate based on the representation sent by the petitioner dated 04.10.2019.

2.It is the case of the petitioner that the petitioner had purchased a vehicle called TATA Sumo Gold Ex with financial assistance of the Bank called Indian Overseas Bank. The vehicle was purchased from one Sakthi Tata Motors on 05.06.2017. Thereafter, the vehicle was registered as temporary registered vehicle with Registration No.TN 59 TPBM 8416 on 07.07.2017. Thereafter, according to the petitioner, the car was left at Sakthi Tata Motors for service and two individuals, namely, Ravi and his son, Viswanathan, seems to have contacted the petitioner to make arrangements for getting permanent registration certificate for the vehicle concerned and accordingly, on 20.07.2017, the petitioner had given oral instructions to the said individuals to take the car, which was lying at Sakthi Tata Motors for the purpose of permanent registration.



3.However, on 21.07.2017, the petitioner was informed that the car was lost, thereafter, searching the car for three days, since the petitioner was not able to trace the car, he had given a police complaint on 25.07.2017 at Sivagangai Town Police Station against the said individuals, namely, Ravi and his son, Viswanathan. The police registered a case in FIR in Crime No.594 of 2017 dated 25.07.2017, for the alleged offence punishable under Sections 406 and 420 IPC, which have been altered into Section 379 IPC. Subsequently, after having taken steps to trace the vehicle, the said police at Sivagangai Town Police Station had filed a report as undetected before the learned Judicial Magistrate No.I, Sivagangai on 18.05.2018. Since the petitioner had received the same, he made a representation to the respondents seeking a theft endorsement to be made in the registration certificate for claiming the insurance. Though such a request was made by the petitioner on 04.10.2019 to make a theft endorsement in the RC book, the same was rejected through the impugned order dated 22.10.2019 by the respondents. Challenging the same, the present writ petition has been filed.

4.Heard the learned counsel for the petitioner, who would reiterate the aforesaid facts, seeks indulgence of this Court to interfere with the said order, as the reason stated therein that because of the Wagon version 4 software is applying by the Regional Transport Officers, in which, there is no provision to make a theft endorsement in the RC book, and as the said reason may not be justifiable, the impugned order can be interfered with and a suitable direction can be given to the respondents to make theft endorsement in the RC book.

5.Heard the learned Government Advocate appearing for the respondent, who would submit that based on the averments made in the Counter affidavit as well as the instructions he received from the respondent that even though the said reason as technical stand cited in the impugned order, the actual reason for the respondent not to make the theft endorsement in the RC book is that the certified copy of the undetectable report submitted by the Police Officer concerned before the Magistrate Court has to be obtained by the petitioner and to be produced before the respondent and when the petitioner producing such certified copy of the report from the Magistrate Court concerned, on perusal of the same, the needful would be done by the Respondent, he submitted.

6.In view of the said stand taken by the learned Government Advocate, on instructions from the respondent, this Court feels that the reason stated in the impugned order dated 22.10.2019 passed by the respondent may not stand in the way for acting on the request of the petitioner to make theft endorsement in the RC book, provided that the petitioner is able to produce the certified copy of undetected report submitted by the Police before the concerned Magistrate Court.



7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:-

that though the respondent stated the different reason in the impugned order dated 22.10.2019, which since they are not insisting now, he shall proceed to do the needful to make theft endorsement in the RC book concerned of the vehicle, TATA Sumo Gold Ex, of the petitioner with temporary registration No. TN 59 TPBM 8416. The aforesaid shall be undertaken by the respondent, as soon as the petitioner submitted a certified copy of the undetected report dated 18.05.2018 filed by the Sivagangai Town Police Station before the Judicial Magistrate No. I, Sivagangai. It is open to the petitioner to get the certified copy of the said report and produce before the respondent as early as possible and once, such a certified copy of the report is filed by the petitioner, the respondent shall act upon as indicated above and do the needful, within a period of two weeks thereafter.

8. With these directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Regional Transport Officer,
Regional Transport Office,
Madurai North,
Madurai.

2. Judicial Magistrate No.1,
Sivagangai.

W.P. (MD) No.24979 of 2019

03.08.2021