



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.10969 of 2022
and W.M.P.No.10552 of 2022

R.Chitra

.. Petitioner

Vs.

1.The Transport Commissioner
Transport Department
Ezhilagam
Chepauk, Chennai-600 006.

2.The Regional Transport Officer
The Regional Transport Office
Namakkal North, Namakkal - 637 003.

3.The Branch Head
HDB Financial Services Limited
Door No.6&3/31
Near Registration Office
1st Mullai nagar, Salem - 636 201.

4.The Branch Manager
HDB Financial Services Limited
No.609A-2, Andavar plaza
2nd floor, Salem Main Road
Namakkal - 637 001.

5.The NBFC Ombudsman
C/o Reserve Bank of India
Fort Glacis
Chennai 600 001.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to stop the further proceedings such as Fresh Registration Certificate (FRC) and HP cancellation of the said vehicle bearing Registration No.TN88C2247, in pursuant to the impugned orders i.e. Na.Ka.No.42956/HA1/2021 dated 04.01.2022 and Memo No.2829/E1/2021 dated 12.04.2022 by the respondents 1 and 2 respectively.



For Petitioner : Mr.R.Sai Sundar

For R1 and R2 : Mr.C.Sathish
Government Advocate

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O R D E R

This Writ Petition is filed for a direction to the respondents 1 and 2 to stop the further proceedings such as Fresh Registration Certificate (FRC) and HP cancellation of the said vehicle bearing Registration No.TN88C2247, in pursuant to the impugned order dated 04.01.2022 and Memo dated 12.04.2022 issued by the respondents 1 and 2 respectively.

2.According to the petitioner, she availed commercial vehicle loan from the 4th respondent for purchase of lorry repayable in 47 monthly instalments. The petitioner paid 23 instalments and due to COVID pandemic situation, she could not pay the monthly instalments. The 4th respondent unauthorisedly seized the vehicle and sold it to some third party without following the procedure. The petitioner has given complaint to the respondents 1 and 2. The 2nd respondent called the petitioner and 4th respondent for enquiry on 29.03.2022. The petitioner appeared for enquiry and filed written submission. The 4th respondent did not attend the enquiry on that day. Again on 07.04.2022, the petitioner and 4th respondent attended the enquiry along with their Advocates. The petitioner again filed written submission. The 4th respondent on that day appeared and filed written submission. On the date of second hearing i.e., on 07.04.2022, the 2nd respondent informed the petitioner that the said vehicle which is now in the block list will be automatically removed after third hearing, which is to be held on today (28.04.2022) and further enquiry was posted on 28.04.2022. Now the petitioner has come out with the present Writ Petition for the above stated relief.

3.Learned Government Advocate appearing for the respondents 1 and 2 submitted that because of the pendency of this Writ Petition, the 2nd respondent is not going to conduct enquiry today and the 2nd respondent will fix the enquiry date based upon the order of this Court and intimate to the petitioner as well as 4th respondent.

4.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents 1 and 2 and perused the entire materials on record.

5.From the above materials, it is seen that except oral statement of the petitioner that 2nd respondent informed her that



after third hearing, block list of vehicle will be removed automatically, there is nothing on record to substantiate her case. The enquiry is to be held today. When the enquiry is to be conducted by the 2nd respondent, it is open to the petitioner to attend the enquiry. If any order adverse to her interest is passed, it is open to the petitioner to challenge the said order as per law. The 2nd respondent is directed to fix the enquiry date and inform the petitioner as well as 4th respondent well in advance.

6. With the above directions, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

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To

1. The Transport Commissioner
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Chepauk, Chennai-600 006.
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The Regional Transport Office
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Namakkal - 637 003.
3. The Branch Head
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Door No. 6&3/31
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HDB Financial Services Limited
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2nd floor
Salem Main Road
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5.The NBFC Ombudsman
C/o Reserve Bank of India
Fort Glacis
Chennai 600 001.

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+1cc to Mr.R.Sai Sundar, Advocate SR.No.29594

+1cc to Government Pleader SR.No.30645

W.P.No.10969 of 2022
and W.M.P.No.10552 of 2022

AD(CO)
GMY(25/05/2022)