



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12783 of 2022

and

W.M.P.No.12241 of 2022

B.Sreenivas Rao

... Petitioner

Vs.

The Registering Authority,
RTO Pondicherry,
Pondicherry.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to register the motor vehicle/car, Audi A4 35 TDI, bearing temporary registration number GA/7/TMP/2018/138, and to issue the certificate of registration in the petitioner's name in view of the order passed by this Hon'ble Court in W.P.(MD).No.5846 of 2021 dated 31.03.2021 by considering the petitioner's representation dated 25.04.2022.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.J.Kumaran
Additional Government Pleader
(Pondicherry)

ORDER

The petitioner seeks a direction for the registration of his motor vehicle by the respondent. The petitioner states that Audi A4 35 TDI motor vehicle bearing Chassis No.WAUZFJF48JY700919 was initially temporarily registered in the name of one Mr.Mohammed Musamil.

2. It is stated that the vehicle was purchased on 30.06.2018 and the vehicle was hypothecated in favour of Vijaya Bank, Puducherry. Since the original owner failed to repay the loan amount, the Bank enforced the hypothecation and sold the vehicle to the petitioner. According to the petitioner, the



Bank loan was discharged and the Bank has given its no objection for the cancellation of the hypothecation. In spite of approaching the respondent for registration, the petitioner states that such registration is being refused on the ground that it is a BS-IV vehicle. The petitioner relies upon an earlier order of this Court in WP.(MD).No.5846 of 2021, etc. batch dated 31.03.2021.

3. Mr.J.Kumaran, learned Additional Government Pleader (Pondicherry), accepts notice for the respondent. He states that the representation dated 25.04.2022 was not received by the respondent. He further states that since the vehicle was purchased in Goa, the petitioner should approach the registering authority either in Goa or Tamil Nadu, where the vehicle is put to use. Without prejudice, he states that the representation of the petitioner would be considered and disposed of on merits.

4. Accordingly, the Writ Petition stands disposed of by permitting the petitioner to submit a fresh representation to the respondent within a period of one (1) week from the date of receipt of a copy of this order. Upon receipt thereof, the respondent is directed to conduct an inquiry and issue a reasoned decision on the petitioner's representation, within a period of thirty (30) days from the date of receipt of the representation. No costs. Connected miscellaneous petition is closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

Sni

To

The Registering Authority,
RTO Pondicherry,
Pondicherry.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.31459
+1cc to the Government Pleader, S.R.No.31431

W.P.No.12783 of 2022

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NSK 16/05/2022