

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.15278 of 2022

M/s.IndusInd Bank Limited,
Represented by its Chief Manager-Legal,
A.Ganesh Kumar,
Having Office at Nos.115 & 116,
G.N.Chetty Road,
T.Nagar, Chennai - 600 017.

... Petitioner

Vs.

1. The Joint Transport Commissioner (Rules),
Office of the Transport Commissioner,
Ezhilagam, Chepauk,
Chennai - 05.

2. The Regional Transport Officer,
Regional Transport Office,
Namakkal (South),
Kathappalli Road,
Near Salem by-pass Road,
Muthalaipatty Pudur,
Muthalaipatty,
Namakkal - 637 003.

3. A.Mohamed Azhar Nainar

... Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the second respondent to issue Financier Registration Certificate in the name of the petitioner, M/s.IndusInd Bank Limited for the vehicle bearing Temporary Registration Mark No.TN 2021 TR 3398D within a time frame.

For Petitioner : Ms.C.Meera Gnanasekar

For Respondents :

For R1 & R2 : Mr.M.Shahjahan
Special Government Pleader

ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the first and second respondents.

2. This writ petition is being disposed at the time of admission, by dispensing with notice and counter of the private respondent/third respondent as no adverse orders are proposed to be passed against the private respondent/third respondent in this writ petition.

3. It appears that the petitioner had financed Late A.Altaf Nainar, father of the third respondent for purchasing a luxury car namely "'Mini Countryman Cooper BS VI Vehicle" in the year 2021.

4. The loan was sanctioned and loan agreement was made on 26.04.2021 and that a temporary register was also given for the aforesaid vehicle on 29.04.2021. It appears that the borrower/third respondent's father passed away on 18.05.2021, within a month of the loan agreement. The third respondent has also paid few installments and thereafter surrendered the vehicle on 12.10.2021.

5. The learned counsel for the petitioner submits that on 21.04.2022, an application has been made to the second respondent for issuance of Financier Registration Certificate in the name of the petitioner for the aforesaid vehicle bearing T.R.No.TN 2021 TR 3398D. However, despite the application being filed with the second respondent, the second respondent have not acted upon it.

6. The learned Special Government Pleader for the official respondents/first and second respondents submits that the application will be considered subject to the third respondent giving "No Objection Certificate".

7. Recording the same, I am inclined to dispose this writ petition by directing the second respondent to consider the petitioner's application dated 21.04.2022 and dispose the same in accordance with law, within a period of thirty days from the date of receipt of a copy of this order.

8. Needless to state, before passing such order, the petitioner as well as the third respondent shall be heard and

appropriate letter shall be obtained, before the Financier Registration Certificate is issued in the name of the petitioner.

9. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Joint Transport Commissioner (Rules),
Office of the Transport Commissioner,
Ezhilagam, Chepauk,
Chennai - 05.
2. The Regional Transport Officer,
Regional Transport Office,
Namakkal (South),
Kathappalli Road,
Near Salem by-pass Road,
Muthalaipatty Pudur,
Muthalaipatty,
Namakkal - 637 003.

+1cc to M/s.C.Meera Gnanasekar, Advocate, S.R.No.37055
+1cc to the Government Pleader, S.R.No.38257

W.P.No.15278 of 2022

MG(CO)
CT/14/07/2022