



WEB COPY



W.P. No. 23866 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 23866 of 2022

and

W.M.P. No. 22863 of 2022

Ayyappan

... Petitioner

-VS-

1. Regional Transport Officer
Regional Transport Office
Tiruvarur.

2. Sundaram Finance Limited
Rep. by its Manager
No.21, Pattulos Road
Chennai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records in proceedings dated 17.06.2022 Ref. No.Ku.Aa.No.4902/A/2022 passed by the First Respondent and quash the same.

For Petitioner : Ms. Abitha Banu

For Respondents : Mr. P.Sathish
Additional Government Pleader
(For R1)

Mr. S.Suresh (For R2)



W.P. No. 23866 of 2022

ORDER

WEB COPY

Heard Ms. Abitha Banu, Learned Counsel for the Petitioner, Mr. P.Sathish, Learned Additional Government Pleader appearing for the First Respondent and Mr. S.Suresh, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had purchased the vehicles bearing Registration Nos. TN-50-AW-2626 and TN-50-AV-0028 on availing loan from the Second Respondent and the said vehicles were seized on 11.12.2021 from the Petitioner in furtherance to the orders dated 04.12.2021 in I.A. No. 157 of 2021 in Arbitration Case No. KER/SF/234/2021, Contract No. M001400542 dated 04.10.2017 and I.A. No. 158 of 2021 in Arbitration Case No. KER/SF/237/2021, Contract No. M001400539 dated 30.09.2017 passed by the Sole Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996.

3. Since the Petitioner refused to deliver the registration certificates of the said vehicles, the Second Respondent had made an application under Section 51(5) of the Motor Vehicles Act, 1988 to the First Respondent to cancel the registration certificates of the said vehicles in the name of the Petitioner and



W.P. No. 23866 of 2022

issue fresh ones in its favour, which have been granted by proceedings in

Sa.Mu.Aa.No.4902/A2/2022 dated 01.07.2022 after affording sufficient opportunity to the Petitioner to attend the enquiry on 14.03.2022, 19.04.2022, 19.05.2022 and 31.05.2022 conducted in that regard.

4. It appears that in the meanwhile, the First Respondent had inadvertently mentioned in proceedings in Ku.Aa.No.4902/A2/2022 dated 17.06.2022, as if the name of the Petitioner in the registration certificates of the said vehicles had already been cancelled, which is challenged in this Writ Petition. As it is borne out from the materials placed on record that the prescribed procedure has been followed under the relevant statutory provisions before cancelling the registration certificates of the said vehicles in the name of the Petitioner, there does not appear to be any merit in the contentions raised in this case.

5. In that view of the matter, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

14.10.2022

Maya

Index: Yes/No

Note: Issue order copy by 11.11.2022.



WEB COPY



W.P. No. 23866 of 2022

P.D. AUDIKESAVALU, J.

Maya

To

1. Regional Transport Officer
Regional Transport Office
Tiruvarur.
2. Sundaram Finance Limited
Rep. by its Manager
No.21, Pattulos Road
Chennai.

W.P. No. 23866 of 2022

14.10.2022