



W.P.No.26498 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.26498 of 2022

M/s. Cholanmandalam Investment and Finance
Company Ltd
rep by its Authorised Signatory
Mr.K.Saravanan
Dare house No.2, Old No.234
N.S.C.Bose road, Parrys
Chennai-600 001

...Petitioner

Vs.

1.The Regional Transport Officer
Regional Transport Office
Kamaraj Salai
Saram, Puducherry-605013

2.The Superintendent of Police
Economic Offences Wing (Ramanathapuram)
Camp @ Tiruchirapalli
Trichy

3.M/s. Raahath Transport
No.2, Subbaihah street
Ellaipillaichavady
Puducherry-605001

... Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India

praying to issue a Writ of mandamus directing the first respondent to remove the entry of blacklisting of the vehicle bearing No.PY-05-H-5799 which is hypothecated to us so as to enable the registration of the vehicle to the prospective buyers.

For Petitioner : Ms.Revathi Sreedhar

For Respondents : Mr.Ramasamy Meyyappan,
G.A (Pondy) for R1

Mrs.R.Anitha, Spl.G.P for R2

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the first respondent to entry of blacklisting of the vehicle bearing No.PY-05-H-5799 which is hypothecated to petitioner so as to enable the registration of the vehicle to the prospective buyers.

2. The petitioner is a Private Bank and they had offered various commercial loans to the third respondent to purchase Transport Buses. The said vehicles are hypothecated in favour of the petitioner Bank. It appears that the proprietor of the third respondent died recently and due to non-



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payment of the loan, the petitioner Bank as classified the said loan accounts as NPA. It is also submitted by the petitioner that they have taken physical possession of the vehicle which is stated above in the prayer.

3. The grievance of the petitioner is that the petitioner is unable to proceed with the sale of the Vehicle in view of the impugned communication received from the second respondent indicating that the vehicle, which is repossessed by the petitioner, is blacklisted.

4. This Court is unable to find any statutory backing in the endorsement or in the communication that was sent by the second respondent to the first respondent. The petitioner had taken repossession of the vehicle and they are in a position to sell it in accordance with the hire purchase agreement, which they had entered into with the third respondent.

5. In the light of the above, this Court is of the view that the impugned communication is not sustainable and the same is liable to be set



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N. SATHISH KUMAR, J.

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aside. Accordingly, the impugned communication is quashed and the Writ
Petition is allowed. No costs.

20.12.2022

Internet: Yes

Speaking/non-speaking order

To

1.The Regional Transport Officer
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Saram
Puducherry-605013

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