



W.P.No.26979 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.26979 of 2022

S.Govindarajan

... Petitioner

Vs.

- 1.The Secretary,
Department of Transports,
Govt. of Tamil Nadu,
Fort St.George
Kamarajar Salai, Chennai.
2. The Commissioner,
Department of Transports,
Govt. of Tamil Nadu,
Ezhilagam, Kamarajar Salai,
Chennai.
3. The Regional Transport Officer,
No.9, Inner Ring Road,
200 ft Road, Sastri Nagar,
Kolathur, Chennai – 600099.
4. State,
The Deputy Superintendent of Police,
CBCID-HQRS, Metro Wing-II,
Egmore,
Chennai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the 3rd Respondent to consider and dispose Petitioner's representation dated 22.03.2022 requesting to cancel the hypothecation entered in the RC Book relating to his vehicle bearing TN-05: BV-3866, Innova Crysta 2.4G, based on the NOC dated 23.02.2022 issued by his financier, within the stipulated time frame to be fixed by this Court.

For Petitioner : Mr.D.Thirumoorthy

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader,
for R1 to R3.
Mr.S.Rajesh,
Government Advocate.
For R4.

ORDER

The petitioner has filed this writ petition to direct the third respondent to dispose of his representation dated 22.03.2022 requesting for cancellation of endorsement made in the RC book regarding the termination of the hypothecation agreement with the financier.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader & learned Government Advocate, accepting notice for



the respondents. By consent, the writ petition itself is taken up for final disposal.

3. The facts on record indicate that the petitioner's vehicle was seized by the fourth respondent and produced before the Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.5153 of 2022. The petitioner had approached this Court in Crl.R.C.No.475 of 2022 and by order dated 12.04.2022 this Court passed an order and the relevant paragraph is extracted hereunder:-

7. Thus, the order dated 22.03.2022 passed by the learned Metropolitan Magistrate (CCB & CBCID cses), Egmore, Chennai in Crl.M.P.No.5153 of 2022 is set aside. The learned Metropolitan Magistrate (CCB & CBCID cases), Egmore, Chennai is directed to return the original RC book to the petitioner after getting an undertaking that the said RC book will be returned to the court within a period of thirty days.



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4. The case of the petitioner is that he has discharged the loan with the financier namely Toyota Financial Services India Limited and therefore the endorsement in the RC book has to be cancelled. It is submitted that the petitioner had sent several representations including legal notice on the third respondent enclosing all the documents on 28.07.2022. However, despite producing all the documents the third respondent has not acted on the representation for cancellation of the endorsement in the RC Book.

5. The learned counsel for the respondents would submit that the petitioner's representation for cancellation of endorsement regarding hypothecation of the vehicle in favour of the said Toyota Financial Services India Limited will be considered and disposed of within a period of two weeks.

6. Recording the same, the respondents are directed to consider the petitioner's representation dated 22.03.2022, on merits and in accordance with law, within a period of two weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes/No

Speaking/Non-Speaking Order

kmm/dpq

To

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C.SARAVANAN, J.

kmm/dpq

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