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Writ Petition No.34669 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23/12/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.34669 of 2022

YES Bank Ltd
rep. By its Authorised Officer
Mr.K.Dinakaran

...

Petitioner

Vs

1. The Deputy Superintendent of Police
Economic Offences Wing (Ramanathapuram)
Camp @ Tiruchirapalli
Thanjavur District Crime Branch
Thanjavur.

2. The Regional Transport Officer
Regional Transport Office
Kamarajar Salai, Saram
Puducherry 605 013.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to permit the petitioner Bank to effect name transfer of the vehicle bearing Nos.PY-05-F-6449, PY-05-F-6477, PY-05-F-6559 and PY-05-F-6577 in the name of the auction purchasers.



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For Petitioner	...	Mr.C.Sakthimanikandan
For respondents	...	Mr.K.Karthic Jeganath Government Advocate for R.1.
		Mr.M.Nirmal Kumar Government Advocate (Pondy) for R.2.

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ORDER

This writ petition has been filed praying to direct the second respondent to permit the petitioner Bank to effect name transfer of the vehicle bearing Nos.PY-05-F-6449, PY-05-F-6477, PY-05-F-6559 and PY-05-F-6577 in the name of the auction purchasers.

2. The case of the petitioner is that first respondent being the investigation officer had sent a letter to the bank stating that the vehicles hypothecated with the Bank are purchased from the funds received from the investors and also stated that they have become case property. Now, the second respondent is refusing to effect name transfer of the vehicles and the petitioner had sent a representation to effect name transfer. Since the same



has not been considered so far, petitioner has come forward with the instant writ petition, praying for the relief as stated therein.

3. Heard Mr.C.Sakthimanikandan, learned counsel for the petitioner, Mr.K.Karthik Jeganath, learned Government Advocate for the first respondent and Mr.M.Nirmal Kumar, learned Government Advocate (Pondicherry) for the second respondent.

4. On an earlier occasion, the petitioner had filed a writ petition in W.P.No.17427 of 2022, wherein also, the petitioner had prayed for the similar relief, as sought for in the instant writ petition. Vide, order, dated 5/9/2022, this Court had set aside the impugned communication as not maintainable.

5. The second respondent has not followed the order passed in W.P.No.17427 of 2022, wherein, it has been clearly held that the first respondent is not having any legal backing. In such a view of the matter, the second respondent is directed to permit the petitioner Bank to effect name transfer of the vehicles bearing Nos.PY-05-F-6449, PY-05-F-6477, PY-05-F-6559 and PY-05-F-6577 in the name of the auction purchasers, as per law.



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mvs.

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

23/12/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

1. The Deputy Superintendent of Police
Economic Offences Wing (Ramanathapuram)
Camp @ Tiruchirapalli
Thanjavur District Crime Branch
Thanjavur.
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W.P.No.34669 of 2022