



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.19175 of 2021

and

W.M.P(MD).No.15920 of 2021

I.Sahul Hameed

... Petitioner

Vs.

- 1.The Regional Transport Officer,
Regional Transport Office,
Thoothukudi.
- 2.The Inspector of Police,
Palayamkottai Police Station (Crime),
Palayamkottai,
Tirunelveli District.
- 3.The Branch Manager,
Sriram Transport Finance Company Limited,
Door No.424, A/7, 1st Floor,
Madurai Road,
Sankar Nagar,
Tirunelveli.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st Respondent not to cancel or transfer the Registration Certificate in Vehicle Number TN-69-AF-2743 based on the Petitioner's representation, dated 24.09.2021.



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For Petitioner : Mr.N.Pragalathan
For R1 : Mr.M.Ramesh
Government Advocate
For R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For R3 : Mr.Ananth C.Rajesh

ORDER

The writ petition is filed praying for a writ of Mandamus to direct the the 1st Respondent not to cancel or transfer the Registration Certificate in Vehicle Number TN-69-AF-2743 based on the Petitioner's representation, dated 24.09.2021.

2. It is submitted that Petitioner had obtained a loan of Rs.6,00,000/- for purchasing 2012 Model, Ashok Leyland Taurus 2516 vehicle bearing Registration No.TN-69-AF-2743 from the 3rd Respondent on 26.12.2017. The Petitioner paid the installments amounts from January 2018 to March 2020. Thereafter, due to Covid-19, the Government announced Moratorium for six months for repayment of loan amounts to Financial Institution. After lifting the lock down, there was no proper engagement of vehicle and the Petitioner was not in a position to remit the monthly installments amounts due to the 3rd Respondent. The Petitioner tried to negotiate with 3rd Respondent for full settlement of balance amount due. In the meanwhile, the Petitioner paid entire



vehicle loan amount. But, on 01.09.2021, Petitioner's lorry was illegally taken by the 3rd Respondent, which was parked in K.T.C.Nagar, Palayamkottai. The Petitioner called the police control room and the police officials also came to the place of occurrence and informed the check-post to check the vehicles. While checking the lorry through GPS, the GPS indicated that Petitioner's lorry was parked in 3rd Respondent's parking yard. Hence, in this regard, the Petitioner submitted a representation on 24.09.2021 to the 1st Respondent not to transfer the name of Registration Certificate in Vehicle No.TN-69-AF-2743 to any other person. However, till date, the 1st Respondent has not taken any action in the representation of the petitioner. Hence, the present Writ Petition has been filed.

3. It is submitted by the learned counsel for the Respondents that representation of the Petitioner, dated 24.09.2021 shall be considered and disposed of by the 1st Respondent within a period of eight weeks from the date of receipt of copy of this order.

4. Recording the same, the 1st Respondent is directed to consider and dispose of the representation of the Petitioner, dated 24.09.2021 within a period of eight weeks from the date of receipt of copy of this order. Before



passing any such order, 1st Respondent shall issue notice to the 3rd Respondent and afford a reasonable opportunity to the Petitioner and also putting all interested parties on notice. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits.

5. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2022

Index : Yes / No

Internet : Yes/ No

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To

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MOHAMMED SHAFFIQ, J.

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