



W.P.(MD)No.23692 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.10.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.23692 of 2022

Sivarajan

Vs.

... Petitioner

- 1.The Regional Transport Officer,
Regional Transport Office,
Tirunelveli Region,
Tirunelveli,
Tirunelveli District.
- 2.The Motor Vehicle Inspector Grade-I,
Melashanmugapuram,
Valliyoor,
Tirunelveli District.
- 3.The Administrative Director,
Kani Choice Automotive,
No.11/13-A, Annamalaiyarr Mills Colony,
Begampur Post,
Vellodu Village,
Dindigul District 624 002.
- 4.The Managing Director,
Manitou Equipment India Pvt., Limited,
No.128, Developed Plots,
Perungudi Industrial Estate,
Main Road, Chennai 600 098.

... Respondents



W.P.(MD)No.23692 of 2022

WEB COPY

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 01.08.2022 and pass appropriate orders on merits in accordance with law by giving suitable directions to the 2nd respondent for the registration of the petitioner Manitou JCB Model Vehicle.

For Petitioner :Mr.S.Palani Velayutham
For Respondent :Mr.T.Amjadkhan
Government Advocate for R1 & R2

ORDER

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 01.08.2022 and give suitable directions to the 2nd respondent for registration of Manitou JCB Model vehicle forthwith which is pending since April 2021.

2.The petitioner has purchased a brand new construction equipment vehicle (JCB Model) from Manitou Equipment India Pvt. Ltd.,



W.P.(MD)No.23692 of 2022

WEB COPY

Chennai through its dealer Kani Choice Automotive, Dindigul by making advance payment on 15.02.2021 & 25.02.2021 and full payment was made in April 2021, by availing Vehicle Loan from M/s.Shri Ram Finance Company Ltd. The cost of vehicle and insurance premium was directly paid to the manufacturer Manitou Equipment India Private Ltd. Until now, the Supplier and Dealer has not taken any steps for temporary registration which is mandatory for permanent registration, though respondents 3 and 4 would normally send their representative for registration of the vehicle. As a result, the petitioner is unable to take delivery of the vehicle.

3.The learned counsel for the petitioner would submit that the representative of the third and fourth respondents had undertaken to deliver the vehicle to the petitioner after registration on or before 30.04.2021. However, they failed to keep up the promise, which compelled the petitioner to approach the Chennai Office of manufacturer seeking registration of the vehicle. In the meanwhile, the fourth respondent who is the dealer has closed his business. The petitioner has repaid the loans obtained from the financial company to purchase the same vehicle along with the interest for a



W.P.(MD)No.23692 of 2022

sum of Rs.7,68,000/-. In these circumstances, the petitioner submitted a representation to the first respondent dated 01.08.2022 to direct the second respondent to register the said vehicle and the same is pending consideration. Hence, the petitioner approached this Court by filing this writ petition.

4.Mr.T.Amjadkhan, learned Government Advocate appearing on behalf of the respondents 1 and 2, submits that there have been certain disputes between the third and fourth respondents with which the 1st Respondent is not directly concerned. However, the learned Government Advocate undertakes to dispose of the representation, after conducting necessary enquiry, if necessary, by issuing notice to the third and fourth respondents.

5.Considering the limited scope of the prayer sought for in this writ petition, there shall be a direction to the first respondent/the Regional Transport Officer, Tirunelveli District, to consider the representation of the petitioner, dated 01.08.2022 and pass appropriate orders on merits and in



W.P.(MD)No.23692 of 2022

accordance with law, within period of eight weeks from the date of receipt of a copy of this order, after affording a reasonable opportunity to the petitioner. It is made clear that this Court has not expressed any views with regard to the merits of the representation including jurisdiction and it is open to the respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

14.10.2022

Index : Yes / No

Speaking Order : Yes / No

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W.P.(MD)No.23692 of 2022

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W.P.(MD)No.23692 of 2022

MOHAMMED SHAFFIQ, J.

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W.P.(MD)No.23692 of 2022

14.10.2022