



WEB COPY



Writ Petition No.14358 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/2/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.14358 of 2015

a n d

M.P.No.1 of 2015

M. Senthil Kumar

...

Petitioner

Vs

1. The Regional Transport Officer
Office of the Regional Transport Officer
Erode East.
2. The Regional Transport Officer
Office of the Regional Transport Officer
Sivagangai District.
3. The Inspector of Police
Perundurai Police Station
Erode District.
4. Sri Sai Saravana Finance
rep. By its Managing Partner
378 Bhavani Road, Perunthurai
Erode 638 052.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to direct the third



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respondent to release the petitioner's lorries bearing vehicle Registratin Nos.TN-33-Z-028 which is under the control Erode Regional Transport Office Registration (2) TDQ-9735, which is under control of Sivagangai Regional Transport Office Registration (3). TDY 6176 which is under control of Sivagangai Regional Transport Office Registration, from the fourth respondent, and handover to the petitioner, considering the complaint dated 16/1/2015.

For Petitioner	...	Mr.P.Saravanan
For respondents	...	Mrs.R.Anitha Special Government Pleader for R.R.1 to 3.
		Mr.N.Damodaran for R.4.

ORDER

This writ petition has been filed to direct the third respondent to release the petitioner's lorries, bearing Registration Nos.TN-33-Z-028 TDQ-9735 and TDY 6176 from the fourth respondent, and handover the same to the petitioner, considering the complaint dated 16/1/2015.



2. It is the case of the writ petitioner that eventhough he has repaid the entire loan amount to the fourth respondent, he has not given No Objection Certificate to cancel the hypothecation to the petitioner. When the matter stood thus, fourth respondent has taken the aforementioned vehicles. Hence the petitioner has given a complaint, dated 16/1/2015. Since the same has not been considered so far, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.

3. In the counter affidavit filed by the fourth rspondent, it is stated that on 15/3/2014, the petitioner had addressed a letter to the Managing Partner of Sri Ravana Finance stating that he is surrendering two of his lorries, bearing Registration Nos.TDQ-9735 and TN-33-Z-0280, on his own accord and sought fifteen days time to handover the original Registration Certificates, as the petitioner had borrowed loan. But the petitioner had given a false complaint on 18/7/2014, to the Superintendent of Police, Erode, as if some third parties had threatened the petitioner and forcefully abducted four lorries belonging to the petitioner.

4. Heard Mr.P.Saravanan, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to



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3 and Mr.N.Damodaran, learned counsel for the fourth respondent. Perused the materials available on record.

5. It appears that the petitioner himself has consented for taking the lorries. In the initial stage, the petitioner has stated that three lorries have been forcefully taken away by the fourth respondent, whereas in the complaint, the petitioner has stated that four of the lorries were taken by the fourth respondent. This itself shows that the petitioner has not approached this Court with clean hands. In such a situation, this Court is of the considered view that no direction need be issued to the third respondent to return of the lorries.

6. In view of the above, this writ petition is dismissed. Petitioner is directed to work out his remedy in the manner known to law, with regard to his stand that he has repaid the entire loan amount. No costs. Consequently, the connected Miscellaneous Petition is closed.

14/2/2023

Index : Yes / No
Internet: Yes
Speaking/non speaking order
mvs.



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