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W.P.No.9492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.9492 of 2023

S.Sankararaman

... Petitioner

Vs

1.The Regional Transport Officer,
RTO Office,
No.4, VC Garden, Saradapuram,
Mandaiveli,
Chennai – 600 028.

2. Mr.Vikash

3.TATA AIG General Insurance Company,
Represented by its General Manager,
2nd Floor, Samson Towers,
403 L Pantheon Road,
Chennai – 600 008.

.. Respondents

Prayer:– Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pass orders cancelling the registration of the vehicle Maruthi Dzire automatic car bearing Registration No.TN06P1677, and seize the same.

For Petitioner : Mr.J.Chandran Sundar
Mr. Sashi Kumar

For R1 : Mr.V.Ramesh, Government Advocate



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ORDER

The petitioner, who claims Ex-owner of Maruti Dzire automatic car had filed the above writ petition seeking a direction to the first respondent to pass orders cancelling the registration of the vehicle Maruthi Dzire automatic car bearing Registration No.TN06P1677 and seize the same.

2. The petitioner sold his Maruti Dezire automatic Car to the second respondent herein for a sale consideration of Rs.4,70,000/- on 16.03.2022. The petitioner handed over all the necessary documents i.e., RC Book, Insurance and other connected forms to the second respondent herein and the second respondent assured the petitioner that all the legal formalities with regard to the name transfer of the car will be done by him. Believing his words, the petitioner left to USA in April 2022. Even after one year of the sale, the name transfer procedures was not done by the second respondent till date.

3. According to the petitioner, he sold the car to one Mr.Vikash/the second respondent herein and he has given all the necessary papers including the delivery challan and TO form. Even after, the petitioner



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returned from U.S.A, he found that the R.C book stands still in his name. It also appears that he has received a challan from Greater Chennai Corporation on 03.03.2023 showing him as an owner in the alleged traffic violation notice. He also renewed the vehicle insurance.

4. The learned Government Advocate on his instructions submitted that the vehicle was block listed on 10.03.2023.

5. The learned counsel for the petitioner would contend that he made a representation to cancel his name in the R.C and seize the vehicle.

6. According to the petitioner, he has sold the vehicle to the second respondent and any illegal activities was carried on by the second respondent through the vehicle, based upon the personal liability, since the vehicle stands in the name of the petitioner and he drew his attention to the provision of under Section 207 of M.V. Act.

7. In view of the above facts and circumstances, the first respondent is directed to hold an enquiry and pass orders on the representation of the petitioner dated 04.02.2023, by affording an



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opportunity to the parties, within a period of six weeks, in accordance with law, from the date of receipt of a copy of this order, since already the vehicle was block-listed.

8. With the above direction, this Writ Petition is disposed of.
No costs.

28.03.2023

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Index:Yes/No

Neutral Citation : Yes/No

To

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