



WEB COPY



Writ Petition No.12519 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.12519 of 2023

and

W.M.P.No.12352 of 2023

A.Baghadur Basha
S/o.A.Anwar Basha

... Petitioner

Vs.

1.The Deputy Secretary,
The Transport Department,
Fort St.George, Chennai.

2.The Regional Transport Officer,
Regional Transport Office,
Chengalpattu.

3.Kalpana
W/o.Devarajan

4.The Manager,
Tata Motor Finance Ltd.,
Celestial Point,
No.45, Damodharan Street,
T.Nagar, Chennai - 600 017.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus directing the second respondent to issue a new Certificate of Registration in favour of the petitioner and not to transfer the name of the third respondent in the



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Certificate of Registration and other records regarding the commercial vehicle of the petitioner bearing Registration No.TN-56-P-5986, Model 8131, Bharat Benz and further direct the fourth respondent not to seize the vehicle, which is in the possession of the petitioner.

For Petitioner : Mr.G.K.Sekar

For Respondents : Mr.C.Selvaraj
Additional Government Pleader
[R1& R2]

ORDER

This writ petition has been filed for a direction to the second respondent not to transfer the subject vehicle in the name of the third respondent and for a further direction to the second respondent to issue a certificate of registration in favour of the petitioner and for a further direction to the fourth respondent not to seize the vehicle.

2. The case of the petitioner is that the third respondent intended to purchase the subject vehicle and for that purpose, the petitioner entered into an agreement for sale with the husband of the third respondent on 12.10.2021. At the time of entering into the agreement, the third respondent also paid an advance amount of Rs.3,00,000/- and the balance amount that is payable is a sum of Rs.18,00,000/-. On the date of



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entering into the agreement, the original documents pertaining to the vehicle were also handed over in favour of the third respondent.

3. The further case of the petitioner is that the third respondent had availed a loan from the fourth respondent as if the third respondent is the owner of the subject vehicle and the fourth respondent had sanctioned a loan in favour of the third respondent without the knowledge of the petitioner. The petitioner after coming to know of this development, enquired and found that the third respondent was taking steps to transfer the vehicle in her name and that apart, the balance amount that is due and payable to the petitioner was not also paid and thereby the third respondent was attempting to cheat the petitioner.

4. The petitioner issued a notice to the respondents 3 and 4 in this regard and also gave a complaint to the police. Since the third respondent was proceeding further to get the vehicle transferred in her name and all efforts were made to seize the vehicle from the petitioner by the fourth respondent, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.G.K.Sekar, learned counsel for petitioner and



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Mr.C.Selvaraj, learned Additional Government Pleader appearing for respondents 1 and 2.

6. In the considered view of this Court, the right that is sought to be enforced by the petitioner is a pure and simple civil right, which cannot be enforced by filing a writ petition. Admittedly, there is an agreement between the petitioner and the third respondent. If the third respondent is violating the terms of the agreement, it has to be agitated only before a competent civil Court. Even the second respondent cannot get into this dispute since the second respondent is not an authority vested with the jurisdiction to decide over the *inter se* civil rights between the parties. On carefully going through the affidavit and also the materials placed before this Court, it can be seen that it is a straight forward dispute between the petitioner and the third respondent. The fourth respondent came into the scene since the third respondent availed a loan with regard to the same vehicle from the fourth respondent. Therefore, cumulatively, all these matters can only be resolved by a civil Court. If the petitioner apprehends that the vehicle will be seized by the fourth respondent, he has to seek for interim order before the civil Court. No useful purpose will be served by issuing a direction to the second



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respondent since the second respondent does not have jurisdiction to decide the *inter se* dispute between the private parties. This is not an appropriate case where this Court can exercise its jurisdiction under Article 226 of the Constitution of India.

7. In the light of the above discussion, it is left open to the petitioner to approach the competent civil Court and work out his remedy as against respondents 3 and 4. Except giving this liberty, no further orders can be passed in this writ petition.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

24.04.2023

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm

N.ANAND VENKATESH, J



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Fort St.George, Chennai.
- 2.The Regional Transport Officer,
Regional Transport Office,
Chengalpattu.

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