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W.P.Nos.14247, 14248 and 14250 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

Writ Petition Nos.14247, 14248 and 14250 of 2023

M/s.INDUSIND Bank Limited
Rep.by its Manager-Legal, N.Veeraragavan
having its registered office at No.115 & 116
G.N.Chetty Road, T.Nagar, Chennai 600 017.

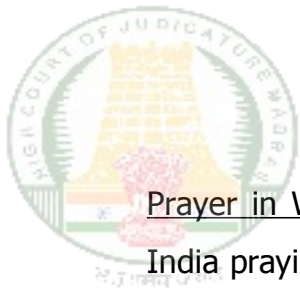
.... Petitioner in all W.Ps.

-Vs-

- 1.The Regional Transport Officer
Regional Transport Office
Kamarajar Salai, Saram
Puducherry 605 013.
- 2.The Superintendent of Police
Economic Offices Wing (Ramanathapuram)
Camp @ Thiruchirapalli, Trichy.
- 3.M/s.Raahath Transport
No.2, Subbaiah Street
Ellaipillaichavady
Puducherry 605 001.

.... Respondents

Prayer in W.P.No.14247/2023 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to remove the entry of blacklisting of the vehicle bearing Registration No.PY-05-B-1642 which is hypothecated to the petitioner bank so as to enable the registration of the vehicles to the prospective buyers.



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Prayer in W.P.No.14248/2023 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to remove the entry of blacklisting of the vehicle bearing Registration No.PY-05-D-6490 which is hypothecated to the petitioner bank so as to enable the registration of the vehicles to the prospective buyers.

Prayer in W.P.No.14250/2023 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to remove the entry of blacklisting of the vehicle bearing Registration No.PY-05-D-6491 which is hypothecated to the petitioner bank so as to enable the registration of the vehicles to the prospective buyers.

In All W.Ps

For Petitioner : Ms.Meera Gnanasekar

For Respondents : Mr.V.Vasanth Kumar,
Additional Government Pleader (Puducherry)
- for R1
Mr.A.M.Ayyadurai, Government Advocate-for R2

COMMON ORDER

The petitioner has filed the above writ petitions seeking issuance of a Writ of Mandamus to direct the first respondent to remove the entry of blacklisting of the vehicles bearing Registration Nos. PY-05B-1642, PY-05D-6490 and PY-05D-6491, which are hypothecated to the petitioner bank in order to enable registration of the vehicles to the prospective buyers.



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2. It is the grievance of the petitioner bank that as a banking company, in the course of their business in October 2017, one of their customers viz., the 3rd respondent approached the petitioner bank for availing loan to purchase commercial vehicles. In respect of the said loan, the petitioner bank entered into loan agreements with the 3rd respondent and necessary hypothecation endorsements over the vehicles were also effected in the registration certificates of the respective vehicles. In view of the default committed by the borrower, the vehicles were seized from the 3rd respondent on 01.07.2022 and when the sale process was initiated by the petitioner bank, they came to know that the 2nd respondent had addressed a communication to the 1st respondent and in turn the vehicles were blacklisted. In view of the said blacklisting, the petitioner bank is unable to sell the vehicles though they are empowered to do so in law.

3. Heard Mr.V.Vasanth Kumar, learned Additional Government Pleader (Puducherry) appearing for the 1st respondent and Mr.A.M.Ayyadurai, learned Government Advocate appearing for the 2nd respondent.

4. Though the learned Additional Government Pleader (Puducherry) appearing for the 1st respondent sought for time to get instructions, this Court finds that no prejudice will be caused to the respondents because the petitioner is entitled in law to dispose off the seized vehicles under the contractual agreements with the 3rd



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respondent. The entry of blacklisting of the vehicles does not have any statutory backing, the communication sent by the 2nd respondent to the 1st respondent also does not have any legal force. Accordingly, this Court is of the opinion that having taken re-possession of the vehicles, the petitioner bank should be allowed to sell the vehicles in accordance with the loan agreements entered into with the 3rd respondent.

5. In such view of the matter, this writ petition is disposed of with a direction to the 1st respondent to remove the entry of blacklisting of the vehicles bearing Registration Nos. PY-05-B-1642, PY-05-D-6490 and PY-05-D-6491 within a period of four weeks from the date of receipt of a copy of this order. No costs.

11.05.2023

Index : Yes/No
Internet : Yes/No
KST



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To

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- 1.The Regional Transport Officer
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P.B.BALAJI, J.

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