



W.P.No17215 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No17215 of 2022

K.Kamaraj

... Petitioner

-Vs-

1. The Regional Transport Officer,
Thanjavur, Thanjavur Taluk,
Thanjavur District.

2. The Regional Transport Officer,
Cuddalore, Cuddalore Taluk,
Cuddalore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to transfer permit in respect of vans bearing Registration No.TN-49-BT-1023, TN-49-BT-1040, TN-49-BT-1055 to the name of the petitioner after cancelling the endorsement of hypothecation made on it.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.P.Ananda kumar
Government Advocate



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ORDER

The Writ Petition has been filed seeking a direction to the respondents to transfer the permit in respect of vehicles bearing Registration Nos.TN-49-BT-1023, TN-49-BT-1040, TN-49-BT-1055 to the name of the petitioner after cancelling the endorsement of hypothecation made on it.

2. According to the petitioner, the above said three vehicles were purchased by a trust known as Halith Education Trust, Thanjavur, under hire purchase agreement with Cholamandalam Investment and Finance Company Limited. As the said trust committed default in payment of loan amount, the financier Cholamandalam Investment and Finance Company Limited repossessed the vehicles and brought it for auction sale.

3. The petitioner participated in e-auction and purchased three vehicles bearing Registration Nos.TN-49-BT-1023, TN-49-BT-1040, TN-49-BT-1055 as a successful bidder. The petitioner purchased the above three vehicles for a sum of Rs.19 lakhs by paying the bid amount. The loan amount to the financier stood discharged. The petitioner has also taken possession of the vehicles from the financier. Thereafter the financier issued a notice on



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10.01.2022 terminating the hypothecation and they have also given separate no objection certificate regarding three vehicles, consenting for transfer of permit to the name of the petitioner. Pursuant to that, the petitioner filed an application before the 1st respondent seeking transfer of ownership and permit of the vehicles into his name on 07.06.2022. The 1st respondent has passed an impugned order dated 14.06.2022, stating that under Section 82 (1) of the Motor Vehicles act, the petitioner has to produce no objection certificate from the authority who issued original permit. The petitioner appeared to have submitted his explanation to the impugned notice on 20.06.2022, stating that the original permit holder is not opposing the transfer of permit.

4. The learned Government Advocate who has taken notice for the respondents submitted that the alleged explanation said to have been submitted by the petitioner on 20.06.2022 is not available in record. Therefore, the petitioner may be directed to submit a fresh explanation.

5. In view of the above, without going into the merit of the case, this Court directs the petitioner to submit a fresh explanation to the impugned show cause notice of the 1st respondent dated 14.06.2022 within a period of



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one week from today. On submission of the fresh explanation, the 1st respondent is directed to consider the same on merits and in accordance with law and pass appropriate orders within a period of three weeks thereafter.

6. With the above direction, this Writ Petition stands disposed of. No costs.

03.07.2023

vum

Index: Yes/No

Speaking order/Non Speaking order

Note: Issue order copy on 05.07.2023

To

1. The Regional Transport Officer,
Thanjavur, Thanjavur Taluk,
Thanjavur District.
2. The Regional Transport Officer,
Cuddalore, Cuddalore Taluk,
Cuddalore District.

S.SOUNTHAR, J.



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