



WEB COPY



W.P.No.19628 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.19628 of 2023

M/s.Vijay Hemant Finance & Estate Ltd.,
Rep.by its Asst., Manager
S.Singaravelan
Prakash Presidium V. Floor
No.110, M.G.Road, Nungambakkam
Chennai 600 034.

...Petitioner

Vs.

1.The Regional Transport Officer
Redhills
Chennai 600 067.

2.M.Madhan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider and dispose of the application/representation dated 16.11.2022 of the petitioner company without any further delay.



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For Petitioner : Mr. K.Mahalingam

For Respondents : Mr.N.Naveen Kumar
Government Advocate for R1

ORDER

The writ petitioner is seeking a direction to the first respondent to dispose of his representation dated 16.11.2022.

2. According to the petitioner, he financed a sum of Rs.5,00,000/- to the second respondent for purchase of motor vehicle bearing Reg.No.TB-20-BM-8853, and a hypothecation endorsement is reflected in the Registration Certificate issued in the name of the second respondent. It is also further stated by the petitioner that the borrower / registered owner of the vehicle namely second respondent was not regular in making equal monthly installments and committed defaults. Though notice was issued to the second respondent from February 2022, he evaded and failed to pay monthly installments. Therefore, the petitioner was constrained to invoke the powers vested under Article 14 of the Hypothecation-Cum-Loan Agreement and repossessed the vehicle during June 2022.



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3. It is also stated by the petitioner that the second respondent lodged a false complaint before the Inspector of Police, Redhills as if his vehicle has been stolen by the seizing agent of the petitioner company and obtained CSR.

4. It is also seen from the letter dated 28.02.2023 sent by the Inspector of Police (Crime) M4, Redhills Police Station to the first respondent that a complaint was given by the second respondent and on enquiry, it was found that the vehicle has been repossessed by the petitioner as the second respondent had committed default.

5. The petitioner sent a representation dated 16.11.2022 to the first respondent seeking registration of the vehicle in the name of the petitioner financier. The first respondent in his proceedings dated 30.01.2023 informed the petitioner that in view of the pendency of the criminal case on the file of the Redhills Police Station, the representation of the petitioner cannot be considered.



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6. Subsequently, the Inspector of Police, Redhills, informed the first respondent that, on enquiry, he found that the vehicle has been repossessed by the petitioner due to the default committed by the second respondent. Hence, there is no impediment for the first respondent to consider the representation dated 16.11.2022 on merits.

7. Accordingly, this Writ Petition is disposed of. The first respondent is directed to consider the petitioner's representation dated 16.11.2022 on merits and pass orders in accordance with law, within a period of six weeks from today. No costs.

04.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna

To

The Regional Transport Officer
Redhills
Chennai 600 067.



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S.SOUNTHAR, J.
dna

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