



WEB COPY

W.P.No.19250 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.19250 of 2023 and

W.MP. No.18492 of 2023

Indostar Capital Finance Limited
Rep by its Branch Manager
E.Sridhar,
1st Floor, Indostar Tower,
No.22 & 23, VenkataNarayana Road,
T.Nagar, Chennai- 600 017.

...Petitioner

Vs.

- 1.The Registering Authority,
Regional Transport Officer,
Poonamallee,
Tiruvallur District.
- 2.The Motor Vehicle Inspector,
Grade-I, Regional Transport Officer,
Poonamallee,
Tiruvallur District.

3. Sudalaimani

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records on the file of the 1st respondent in his proceeding Se.Mu.A.No. 16675/A3/2022 dated



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21.12.2022 and quash the same and consequently direct the 1st respondent to issue a fresh certificate of registration for the six wheeler vehicle bearing No. TN-12-X-9088 Model No.AL-2518/AL-2516.

For Petitioner	: Mr. M.Chellapandian
For Respondents 1 &2	: Mrs. S. Anitha, Special Government Pleader
For respondent 3	: No appearance

ORDER

The writ petition is filed challenging the order passed by the 1st respondent rejecting the petitioner's request for issue of fresh Registration Certificate with further direction to petitioner to workout his remedy before the appropriate Court.

2. It is the case of the petitioner that the petitioner company entered into hypothecation agreement with 3rd respondent. The 3rd respondent purchased the six wheeler lorry bearing registration No.TN-12-X-9088 under a financial aid provided by the petitioner company. It appears that the 3rd respondent is accused of transporting illegal sand in the vehicle and as a consequence, the vehicle was seized by the police and kept idle in the Suguvarchatiram Police Station.



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3. The petitioner being a financier of the vehicle submitted an application to 1st respondent seeking issue of fresh Certificate of Registration in his name after cancelling certificate issued in the name of 3rd respondent. The 1st respondent conducted enquiry on the request of the petitioner and passed impugned order based on the objections raised by the 3rd respondent.

4. It is seen from the impugned order that the possession of the vehicle is not with the petitioner. Therefore, it is not a case where the petitioner has repossessed the vehicle from the registered owner. Admittedly, the vehicle was seized by the police and the same is kept in a police station. The 3rd respondent appears to have filed an application for return of the vehicle in CrI.M.P.No.1641 of 2021 and the same has been ordered in his favour on 25.08.2021. The learned counsel for the petitioner submitted that though an order has been passed for return of the vehicle in favour of the 3rd respondent, till date he has not taken any steps to comply with the conditions and take delivery of the vehicle. Therefore, it is clear that the possession of the vehicle is not with the petitioner. An order has been passed in favour of the 3rd



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respondent by the learned Principal District and Sessions Court, Chengalpattu for return of vehicle to him. In such circumstances, the prayer made by the petitioner for issue of Registration Certificate in his name cannot be considered. Hence, I do not find any reason to interfere with the impugned order passed by the 1st respondent. However, it is open to the petitioner to establish it's rights in the manner known to law before the appropriate forum and then apply for issue of Registration Certificate in it's name.

5. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To
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S.SOUNTHAR, J.
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