



W.P. (MD) No. 9636 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 9636 of 2021
and
W.M.P. (MD) No.7382 of 2021

Gopalakrishnan

... Petitioner

Vs.

1.The Regional Transport Officer,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Panakudy Police Station,
Panakudy & Post,
Tirunelveli District.

3.K.Sasi Rajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the first respondent in Ref.No.3402/A2/19 dated 03.06.2020 quash the same and consequently direct the first respondent to issue challan to transfer the vehicle bearing registration No.TN-28H-9498 in Petitioner's name and release the vehicle.

For Petitioner : Mr. C.R.Nimal



W.P. (MD) No. 9636 of 2021

For R1	: Mr. Na.Ga.Nataraj, Government Advocate
For R2	: Ms. M.Aasha, Government Advocate (Crl.Side)
For R3	: Mr. P.Ganapathi Subramanian

ORDER

Heard Mr. C.R.Nimal, Learned Counsel appearing for the Petitioner, Mr. Na.Ga.Nataraj, Learned Government Advocate for the First Respondent, Ms. M.Aasha, Learned Government Advocate (Crl.Side) for the Second Respondent and Mr. P.Ganapathi Subramanian, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Third Respondent was the owner of the vehicle, viz., Ashok Leyland Tarus bearing Registration No. TN-28H-9498, which the Petitioner claims to have purchased on 05.06.2018 for sale consideration of Rs. 3,85,000/- from him with the execution of prescribed Form 29 and 30 under Rule 55 of the Central Motor Vehicle Rules, 1989. However, when the Petitioner submitted the said forms for recording the transfer of the



W.P. (MD) No. 9636 of 2021

ownership of the vehicle in his favour before the First Respondent, it was returned with the endorsement in Proceedings in Ref. No. 3402/A2/19 dated 03.06.2020 that Third Respondent has raised objection and he would have to attend the enquiry before the First Respondent for taking further action in the matter. In such circumstances, the Petitioner has challenged the said endorsement made by the First Respondent in this Writ Petition.

3. The Third Respondent has filed Counter-Affidavit dated 01.03.2023 contending that he had not sold the said vehicle to the Petitioner and as such, he cannot be compelled to attend the enquiry before the First Respondent.

4. It is settled position of law that disputed questions of fact relating to property rights, which are private in character and do not have any element of public law involved, require full fledged trial by recording of evidence of parties and cannot be decided in a summary manner in proceedings under Article 226 of the Constitution of India. As such, the Petitioner would have to agitate his rights relating to the ownership of the vehicle only before the Civil Court and it is not possible to entertain this Writ Petition. It is needless to add



W.P. (MD) No. 9636 of 2021

here that no view is expressed by this Court on the merits of the controversy involved in the matter.

In fine, the Writ Petition is dismissed with the aforesaid clarifications.

Consequently, connected Miscellaneous Petition is closed. No costs.

02.03.2023

Index : Yes/No

Internet : Yes/No

ta

Note: Issue order copy by 23.06.2023.

To

1.The Regional Transport Officer,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Panakudy Police Station,
Panakudy & Post,
Tirunelveli District.



WEB COPY



W.P. (MD) No. 9636 of 2021

P.D.AUDIKESAVALU,J.

ta

W.P. (MD) No. 9636 of 2021

02.03.2023