



W.P.(MD) No.12760 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 02.06.2023**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

W.P.(MD) No.12760 of 2023

P.Ganesan

.. Petitioner

Vs.

- 1.The Regional Transport Officer,  
Regional Transport Office,  
Madurai North, Madurai.
- 2.The Regional Transport Officer,  
Regional Transport Office,  
Theni.
- 3.The Motor Vehicle Inspector Grade-I,  
Unit Office, Uthamapalayam,  
Theni District.
- 4.Kotak Mahindra Prime Ltd.,  
SEV Towers II Floor,  
No.1A, West Perumal Maistri Street,  
Madurai.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second



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respondent vide his order in Se.Mu.Aa.No.11588/A1/2022, dated 29.12.2022 and quash the same as illegal and consequently direct respondents 1 to 3 to issue a fresh Registration Certificate in respect of the petitioner's vehicle namely Audi A6 bearing temporary Registration No.TN 59 - TP - BK - 5528 and for other reliefs.

For Petitioner : Mr.J.Lawrance

For RR1 to 3 : Mr.T.Amjadkhan  
Government Advocate

### **ORDER**

The above writ petition is filed for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent vide his order in Se.Mu.Aa.No.11588/A1/2022, dated 29.12.2022 and quash the same as illegal and consequently direct respondents 1 to 3 to issue a fresh Registration Certificate in respect of the petitioner's vehicle namely Audi A6 bearing temporary Registration No.TN 59-TP-BK-5528.

2. The dispute revolves around an Audi A6 car, which bears temporary Registration No.TN 59-TP-BK-558. It is the case of the petitioner that this car was initially purchased by one A.G.Suresh Kumar



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of Nagamalai, Madurai, who had got the temporary registration on 31.10.2016. The said car was purchased under hire from the fourth respondent-Finance Company. It appears that the said A.G.Suresh Kumar, had defaulted in the repayment of the monthly hire instalment and therefore, the fourth respondent had repossessed the vehicle in July, 2017. The said Suresh Kumar had failed to comply with the demand of payment made by the fourth respondent. The fourth respondent had sold the vehicle to the petitioner under a vehicle sale bond dated 24.07.2020. Armed with this sale bond, the petitioner had approached the first respondent for getting the vehicle registered permanently and the petitioner was directed orally to pay the tax due from the owner of the vehicle viz., the fourth respondent.

3. The petitioner further came to learn that after the fourth respondent had taken possession of the vehicle, the vehicle was garaged in the fourth respondent's yard and the fourth respondent, for claiming exemption of motor vehicle tax, had also intimated the first respondent about repossession in the prescribed format under Rule 255 of the Tamil



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Nadu Motor Vehicle Rules, 1989. The fourth respondent had thereafter, directed the petitioner to make necessary application for registration of the vehicle after exempting the payment of tax for the period for which the vehicle was garaged with the fourth respondent.

4. The petitioner had accordingly made an application on 29.01.2021 and the first respondent by his proceedings dated 03.02.2021, rejected the request for exemption from the payment of tax on the ground that the owner of the vehicle viz., the fourth respondent had not intimated the stoppage or the seizure of the vehicle in keeping with the rules. Therefore, the petitioner had filed a writ petition in W.P.(MD) No.12546 of 2021 challenging this order and for a direction to respondents 1 to 3 to issue a fresh registration certificate in respect of the vehicle. By order dated 09.11.2022, this Court was pleased to dispose of the writ petition directing the petitioner to submit an application before the second respondent for permanent registration and the second respondent was directed to decide the same on merits. Pursuant to the orders of this Court, the second respondent had considered the petitioner's application



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and passed the impugned order, which is the subject matter of challenge before this Court.

5. Mr.J.Lawrance, learned counsel appearing for the petitioner would submit that the authority has totally failed to appreciate the fact that the petitioner has proved the sale by producing the vehicle sale bond, which clearly shows that the petitioner had paid Rs.9,00,000/- to the fourth respondent and therefore, was entitled to have the permanent registration in his favour. He would further submit that documents had also been produced by the petitioner, which will clearly go to show that he is the owner of the vehicle and therefore, the insistence on the part of the petitioner to obtain No Objection either from the registered owner (fourth respondent) or from A.G.Suresh Kumar is without any basis.

6. Per contra, Mr.T.Amjadkhan, learned Government Advocate, appearing for respondents 1 to 3 would clearly and categorically state that in it is order dated 09.11.2022, in W.P.(MD) No.12546 of 2021, this Court had directed the second respondent to dispose of the application in



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accordance with law and on merits. The order impugned had come to be passed only on account of the fact that the petitioner has not provided proof of ownership or the transfer. Therefore, he would submit that the writ petition deserves to be dismissed.

7. Heard the learned counsel for the petitioner and the learned Government Advocate for respondents 1 to 3.

8. The petitioner has challenged the order on the ground that he is the owner of the car pursuant to the vehicle sale bond. A perusal of the vehicle sale bond would show that the same is undated and that apart, there is no counter signature by the fourth respondent. The petitioner has himself admitted that the car was purchased by A.G.Suresh Kumar under a hire purchase with the fourth respondent and that since there was a default, the vehicle has been repossessed by the fourth respondent and thereafter, sold to the petitioner herein. However, no documents have been filed to show the fact that the petitioner has purchased the car from the fourth respondent. Therefore, the order of the fourth respondent



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cannot be found fault with. Unless the petitioner proves ownership as well as no objection from the fourth respondent or A.G.Suresh Kumar, the petitioner cannot seek to have the permanent registration.

9. For the above reasons, this Writ Petition is dismissed. It is needless to state that it is well open to the petitioner to approach the second respondent with all necessary documents. No costs.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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**P.T.ASHA, J.**

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