



W.P. (MD) No. 14684 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 14684 of 2022
and
W.M.P. (MD) No. 10477 of 2022

R.Robert Gladson Raj

... Petitioner

Vs.

- 1.The Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector,
Nagercoil,
Kanyakumari District.
- 3.The Regional Transport Officer,
Marthandam,
Now situated at Kozhiporvilai,
Mulagumoodu Post,
Kanyakumari District.
- 4.M/s.Sundaram Finance Limited,
No.21, Patullos Road,
Chennai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the third respondent pertaining to its proceedings No.9343/A3/2021 dated 27.04.2022 dated 27.04.2022 and to quash the same and forbearing the third respondent from transferring the petitioner's Taurus Lorry bearing TN 75 V 2539 to any other name and consequently direct the first and second respondent to take action against the fourth respondent and to recover the petitioner's vehicle by considering the representation of the petitioner dated 04.05.2022.

For Petitioner : Mr. L.Jeen Felix
For R1 to R3 : Mr. Na.Ga.Nataraj,
Government Advocate
For R4 : Mr. S.Ponsenthilkumaran

ORDER

Heard Mr. L.Jeen Felix, Learned Counsel for the Petitioner, Mr. N.Ga.Nataraj, Learned Government Advocate appearing for the First to Third Respondents and Mr. S.Ponsenthilkumaran, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioner had purchased the vehicle bearing Registration No. TN 75 V 2539 on availing loan under hire purchase from the Fourth Respondent which was seized on 19.02.2022 from the Petitioner for default in payment of the monthly installments, and an arbitral award in Arbitration Case No. SSP/SF/80 of 2017 dated 13.04.2017 had also been passed against the Petitioner for the recovery of the entire amount due from him towards the same. In furtherance thereof, the Fourth Respondent had made an application under Section 51(5) of the Motor Vehicles Act, 1988 to the Third Respondent to cancel the registration certificate of the said vehicle in the name of the Petitioner and issue fresh one in its favour, which has been granted by proceedings in Seyalmurai Aanai No. 9343/A3/2021 dated 27.04.2022 and is assailed in this Writ Petition.

3. When it is pointed out that it is not possible to interfere with the impugned order in the absence of any challenge to the said arbitral award, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to work out his



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remedies to impeach the determination of his liability made under the said
arbitral award before the proper forum in the manner recognized by law.

4. In such circumstances, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.02.2023

NCC : Yes/No
Index : Yes/No
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Note: Issue order copy by 10.05.2023

To

1.The Secretary to Government,
Transport Department,
Fort St.George,
Chennai-600 009.

2.The District Collector,
Nagercoil,
Kanyakumari District.

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3. The Regional Transport Officer,
Marthandam,
Now situated at Kozhiporvilai,
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P.D.AUDIKESAVALU,J.

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