



1

W.P.(MD)NO.15663 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15663 of 2019 and
W.M.P.(MD)No.12340 of 2019

Pulithevan Pandiyan

... Petitioner

Vs.

1. The Chief Manager,
State Bank of India,
Sivagangai District.
2. The Branch Manager,
SBI, Thiruppathur Branch,
Thiruppathur Taluk,
Sivagangai District.
3. The Regional Transport Officer,
O/o.Regional Transport,
Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to give registration certificate for the petitioner's Tractor bearing registration No.TN 63 F 1658 SWARN 735 CE in the petitioner's name by changing name of original owner Mr.C.Periyakarruppan.



For Petitioner : Mr.R.Venkatesan,
for M/s.Right Law Associates.

For R-1 & R-2 : Mr.G.Radhakrishnan,
Standing Counsel.

For R-3 : Mr.G.Suriyananth,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petition mentioned tractor belonged to one Periyakaruppan. He had availed loan from the State Bank of India, Thiruppathur Branch. He committed default. The tractor was seized by the bank officials. Public auction was conducted on 28.06.2013. The writ petitioner was the successful bidder. The possession of the vehicle was handed over to him. The petitioner alleges in this writ petition that the bank officials did not hand over the original RC book. Seeking direction to the third respondent to change the name by substituting his name in the place of original owner, the present writ petition has been filed.



3. The learned Standing counsel appearing for the bank asserted before this Court that the bank officials cannot be blamed.

4. In any event, the petitioner cannot be made to complain after lapse of six years that the documents were not handed over to him. The learned Standing counsel submitted that the bank officials are willing to extend their cooperation for the petitioner to get a fresh Registration Certificate from the third respondent. At this stage, the learned Additional Government Pleader submits that the validity period would have expired. In these circumstances, this writ petition stands disposed of in the following terms:-

The petitioner is permitted to approach the third respondent with a request for issuance of fresh registration certificate. The petitioner will have to undergo usual formalities. If necessary, the petitioner will have to produce the fresh fitness certificate. The authorities concerned will not insist on production of the original RC book in the name of the writ petitioner. The petitioner will



WEB COPY

file an affidavit stating that he had not availed any financial facility on the strength of the RC book. He will also execute Indemnity Bond before the third respondent after fulfilment of the other usual formalities. The third respondent is directed to issue a fresh registration certificate in respect of the petition mentioned vehicle in the name of the writ petitioner.

5. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Chief Manager,
State Bank of India, Sivagangai District.
2. The Branch Manager,
SBI, Thiruppathur Branch,
Thiruppathur Taluk, Sivagangai District.
3. The Regional Transport Officer,
O/o.Regional Transport, Sivagangai District.



WEB COPY



5

W.P.(MD)NO.15663 OF 2019

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.15663 of 2019

03.01.2023