IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

WEDNESDAY, THE 31ST DAY OF JULY 2024 / 9TH SRAVANA, 1946

WP(C) NO. 21155 OF 2024

PETITIONER:

THE FEDERAL BANK LIMITED,
EMARALD TOWERS, M.G. ROAD, KASARAGOD, REPRESENTED BY ITS ASSISTANT VICE PRESIDENT AND BRANCH HEAD., PIN - 671121

BY ADVS.
MOHAN JACOB GEORGE
P.V.PARVATHY (P-41)
REENA THOMAS
NIGI GEORGE
ANANTHU V.LAL
HARISANKAR S.

RESPONDENTS:

1. **STATE OF KERALA**
   REPRESENTED BY ITS PRINCIPAL SECRETARY, KERALA TRANSPORT DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIATE, THIRUVANANTHAPURAM, PIN - 695001
2. **TRANSPORT COMMISSIONER,**
   TRANSPORT COMMISSIONERATE, MOTOR VEHICLE DEPARTMENT, 2 ND FLOOR,TRANS TOWER, C.V. RAMAN PILLAI ROAD,DPI, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695014
3. **THE JOINT RTO, THE OFFICE OF REGISTERING AUTHORITY-KASARGODE,**
   CIVIL STATION, VIDYA NAGAR, KASARAGOD DISTRICT, PIN - 671123
4. **SHAHRUN HARIS P.M, S/O. M. MUHAMMEDKUNHI,**
   PANALAM HOUSE, PANALAM, CHEROOR, CHENGALA VILLAGE, CHENGALA POST, CHEROOR, PIN - 671123

SRI. BINOY DAVIS-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 31st day of July, 2024

The present Writ Petition has been filed seeking the following prayers:

a) Issue a Writ of Mandamus or such other appropriate writ or order commanding the 3 rd respondent to immediately consider Exts-P6 and P6(a) and issue appropriate orders on the same allowing the issuance of fresh certificate of registration to the petitioner in respect of the vehicle bearing Regn. No.KL-14-X 7007 within a time limit prescribed by this Hon'ble Court;

b) Direct the 3 rd respondent to issue the certificate of Registration to Financier/Petitioner in respect of the aforesaid vehicle forthwith on allowing Exts-P6 and P6(a) at any rate within a short time limit prescribed by this Hon'ble Court;

c) Grant such other reliefs as are deemed fit and proper modifying prayer (a) and (b) as deemed just and proper grant the cost of this Writ Petition.

d) Grant the cost of this writ petition.

2. The learned Government Pleader submits that the petitioner's application for change of ownership in Exts.P6 and P6(a) shall be considered expeditiously.

Considering the aforesaid submission of the learned Government Pleader, the present writ petition is

disposed of with direction to the 3rd respondent to consider and pass orders on Exts.P6 and P6(a) applications of the petitioner, within a period of one month, in accordance with law. If the prescribed fee for change of ownership is not paid, the petitioner shall pay the fee within a period of one week from today.

Sd/-

DINESH KUMAR SINGH
JUDGE

AP

APPENDIX OF WP(C) 21155/2024

PETITIONER EXHIBITS

Exhibit P-1	**COPY OF THE ORDER DATED 03.03.2023 IN CMP NO.3178/2022 OF THE HON'BLE CJM KASARGODE**
Exhibit P-2	**COPY OF THE PANCHNAMA ALONG WITH THE INVENTORY DATED 19.08.2023 PREPARED BY THE ADVOCATE COMMISSIONER WHILE TAKING POSSESSION**
Exhibit P- 3	**COPY OF THE NOTICE ISSUED BY THE BANK TO THE BORROWERS INTIMATING TAKING OF THE POSSESSION OF THE VEHICLE DATED 21.08.2023**
Exhibit P-4	**COPY OF THE REGISTRATION CERTIFICATE SUBMITTED TO THE BANK BY THE BORROWER IN RESPECT OF THE HYPOTHECATED VEHICLE**
Exhibit P- 5	**COPY OF THE LOAN AGREEMENT DATED 12.02.2019 HYPOTHECATING THE VEHICLE MAHINDRA XUV 500 TO THE PETITIONER BANK BY THE 4 TH RESPONDENT**
Exhibit P-6	**COPY OF THE FORM 36 APPLICATION DATED 27.12.2023 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT**
Exhibit P6(a)	**COPY OF THE FORM NO.37 NOTICE DATED 18.12.2023 SUBMITTED BY THE PETITIONER TO 3RD RESPONDENT**
Exhibit P-7	**COPY OF THE LETTER DATED 05.03.2024 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT**

RESPONDENT ANNEXURES

ANNEXURE R3(a)	**TRUE COPY OF THE REPORT DATED 23.07.2024**