



W.P.No.1668 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.1668 of 2024

HDB Financial Services Limited,
Represented by its Authorized Signatory,
R.Ramesh,
No.4, TS No.9, 2nd Floor,
Anna Salai,
Pondicherry – 605 001.

...

Petitioner

/vs/

1. The Regional Transport Officer,
Thindivanam,
Villupuram.

2. D.Chakkaravarthy

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to transfer the R.C.for the vehicle bearing No.TN-16-E-8377 Ashok Leyland to petitioner company name as early as possible within the time frame.

For Petitioner	...	Mr.A.Ganesan
For Respondents	...	Mr.J.Mohamed Sathik
		Govt. Advocate for R1



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ORDER

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The petitioner which is a Financial company for the Goods Vehicle had auctioned the vehicle bearing Reg.No. TN-16-E-8377 Ashok Leyland, which was hypothecated due to the default committed by the borrower. The second respondent is the auction purchaser of the said vehicle and now the petitioner has filed this writ petition seeking direction against the first respondent to transfer the RC of the vehicle in the name of the company.

2. The vehicle ought to have been hypothecated in favour of the financier and in this regard some endorsement could have been made in the RC. Once the vehicle is sold in an auction initiated by the petitioner for recovery of loan amount and if the loan amount is settled as against the financier and the endorsement has to be cancelled. In such case the auction purchaser would be the rightful owner and in whose favour RC has to be transferred.

3. Mr.A.Ganesan, the learned counsel for the petitioner, submitted that earlier the second respondent has filed a writ petition earlier and in which an order has been passed and the said order has not been produced.



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4. Considering the facts and circumstances of the case, this Court directs the first respondent to take steps in accordance with the Motor Vehicle Rules and transfer the RC of Vehicle bearing Reg.No. TN-16-E-8377 Ashok Leyland, to the petitioner company, within a period of four weeks from the date of receipt of a copy of this order.

5. In view of the above direction, this Writ Petition is disposed. No costs.

30.01.2024

Index: Yes / No
Speaking order / Non-speaking order
bkn

To:

The Regional Transport Officer,
Thindivanam,
Villupuram.



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