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W.P.No.10304 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10304 of 2019 and
WMP.No.10850 of 2019

M/s.Srei Equipment Finance Limited,
Rep. by its Authorised Signatory,
N.Sabapathy,
Best 4 Baby Upstairs,
Near Vengatachalapathi Temple,
Brindavan Road, Fairlands,
Salem – 16

... [PETITIONER]

Vs

1.The Regional Transport Officer,
Dharmapuri,
Dharmapuri District
2.P.Vijaya

... [RESPONDENTS]

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a writ of certiorarified mandamus calling for the records
relating to the order passed on 29.01.2018 by the first respondent and



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quash the same and to direct the first respondent to issue fresh registration certificate in the name of the petitioner by allowing this writ petition.

For Petitioner : Mr.M.Arunachalam

For Respondents

For R1 : Mr.C.Kathiravan,
Special Government Pleader

For R2 : Not ready in notice

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 29.01.2018 thereby rejected the request made by the petitioner for issuance of registration certificate in the name of the petitioner.

2. The petitioner is a financier. The second respondent approached the petitioner and availed finance for purchase of the vehicle i.e. JCB 3 DX Vehicle bearing registration No.TN 29 AY 2151 for a sum of Rs.9,50,000/-. Accordingly loan agreement was executed between the



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petitioner and the second respondent. However, as per the loan agreement, the second respondent failed to repay the loan amount and committed default. Therefore, the petitioner had seized vehicle on 14.02.2016 from the second respondent and brought the vehicle for auction. In the auction, one, Rs.Sureshkumar purchased the said vehicle and therefore the petitioner had approached the first respondent for financier registration certificate. On receipt of the said application, the first respondent issued notice to the second respondent. Subsequently the second respondent initiated a civil suit as against seizure of the vehicle. She furnished the details as SR.No.1289 of 2017 on the file of the District Munsif Court, Dharmapuri.

3. Admittedly, no interim order has been passed as against the first respondent to prevent the first respondent from issuing financier registration certificate in favour of the first respondent.

4. In view of the above, the impugned order cannot be sustained and the same is liable to be quashed. Accordingly, the



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impugned order passed on 29.01.2018 by the first respondent is quashed.

The first respondent is directed to issue fresh registration certificate in respect of the above vehicle in the name of the petitioner or in the name of the nominee as shown by the petitioner within a period of two weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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To
The Regional Transport Officer,
Dharmapuri,
Dharmapuri District



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G.K.ILANTHIRAIYAN, J.

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