



W.P.No.11041 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.11041 of 2019

M.Meenakshi Sundaram

... [PETITIONER]

Vs

1.The Registering Authority,
Regional Transport Office,
Tambaram, Chennai 600 045
2.D.Dhanasekaran
(2nd respondent impleaded vide order
dated 29.10.2024 made in
WMP.No.4993 of 2020 in
WP.No.11041 of 2019)

... [RESPONDENTS]

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a writ of certiorarified mandamus calling upon the
impugned order Proc.R.No.A1-59834-2018 dated 22.11.2018 rejecting of
name transfer of the car bearing registration No.TN 11 T 6751 passed by
respondent and direct the respondent to effect name transfer of the



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vehicle to the petitioner with available papers produced within a specified time limit.

For Petitioner : No appearance

For Respondents

For R1 : Mr.V.Manoharan,
Additional Government Pleader

For R2 : No appearance

ORDER

This writ petition has been filed challenging the order passed by the first respondent thereby rejected the request made by the petitioner for transfer of ownership for the vehicle bearing registration No.TN 11 T 6751 (Maxi Cab – Chevrolet Tavera) .

2. Originally one, Ganga had purchased the above vehicle bearing registration No.TN 11 T 6751 (Maxi Cab – Chevrolet Tavera) and she had hypothecated the car with M/s.Shriram Commercial Vehicle Finance. She committed default in repayment. Therefore, the petitioner intended to purchase the said vehicle from her on repayment of the entire



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loan amount to the financier. Accordingly, he had repaid the entire loan amount and also obtained no objection certificate from the financier on 05.02.2018 for transfer of ownership in his name. The said Ganga met with an accident and died. She was a spinster and died without any legal heirs. In fact, her uncle applied for legal heirship certificate and he is not being class I legal heir of the deceased Ganga, he was not issued legal heirship certificate. Therefore, the petitioner submitted application for name transfer of the vehicle along with all supported documents before the first respondent. However, the said request was rejected on the ground that the petitioner failed to produce death certificate of the original owner, legal heirship certificate and no objection certificate from the legal heirs. As per Rule 56(1) of Central Motor Vehicles Rules, 1989 where the owner of the motor vehicle dies, the person succeeding to the possession of the vehicle may for a period of three months, use the vehicle as if it has been transferred to him where such person has, within 30 days of the death of the owner informs the registering authority the occurrence of the death of the owner and his own intention to use the vehicle. However, the petitioner failed to produce the certificates and as such,



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request made by the petitioner was rejected.

3. As stated supra, the petitioner had admittedly repaid the loan entire loan amount which was borrowed by the original owner from M/s.Shriram Commercial Vehicle Finance. The financier also issued no objection and clearance certificate for transfer of ownership to the petitioner's name. Admittedly, the said Ganga died as a spinster and she had no legal heir. Therefore, the petitioner could not able to produce certificates which are required under Rule 214(1) of Tamilnadu Motor Vehicles Rules, 1989.

4. Further, though the second respondent applied for legal heirship certificate, he is not being class I legal heir to the deceased Ganga, he was not issued legal heir ship certificate and he has also no objection for transfer of ownership of the vehicle in favour of the petitioner.

5. In view of the above, the impugned order cannot be



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sustained and the same is liable to be quashed. Accordingly, the impugned order in Proc.R.No.A1-59834-2018 dated 22.11.2018 of the first respondent is quashed. The first respondent is directed to transfer the ownership of the above vehicle bearing registration No.TN 11 T 6751 in favour of the petitioner within a period of two weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition stands allowed.

There shall be no order as to costs.

29.10.2024
(2/2)

Neutral citation:Yes/No
Index: Yes/No
Speaking/Non-speaking order
lok

To
The Registering Authority,
Regional Transport Office,
Tambaram, Chennai 600 045



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G.K.ILANTHIRAIYAN, J.

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