



WEB COPY



W.P.No.14779 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.14779 of 2024

Vadivel

...Petitioner

Vs.

1.The Deputy Transport Commissioner
Moovendar Nagar
Villupuram-605601

2.The Regional Transport Officer
Regional Transport Office
Kupppam, Capper Hills
Cuddalore-607001

3.Ramadas

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to transfer the two vehicles bearing No. TN-31-CW-1131 and TN-31-CW-0850 in favour of the petitioner's name by considering the petitioner's representation dated 03.04.2024 within a specific period of time.

For Petitioner : Mr.D.Magesh

For Respondents : Mr.M.Shahjahan, Spl.G.P for R1 and 2

ORDER



W.P.No.14779 of 2024

WEB COPY

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the 2nd respondent to transfer the two vehicles bearing No. TN-31-CW-1131 and TN-31-CW-0850 in favour of the petitioner's name by considering the petitioner's representation dated 03.04.2024 within a specific period of time.

2. The case of the petitioner is that petitioner and 3rd respondent were running a company called Gokul & Co. Due to difference of opinion between them and they entered into various agreements on 18.09.2022, 27.09.2022 and 02.11.2022 and he was left the firm. As per the agreement the petitioner has been allotted four lorries. Two lorries bearing registration numbers TN-31-CW-1131 and TN-31-CW-0850 were purchased in the name of Gokul & Co company on hypothecation from Canara Bank. After the above vehicles were allotted to the petitioner, he had paid the entire loan amount to the said Canara Bank. The petitioner had paid the entire loan amount and the Bank also issued No Objection Certificate to the 3rd respondent to cancel the hypothecation of the above said lorries. But now the 3rd respondent is illegally refusing to give the original NOC certificate issued by the Bank and refusing to transfer the



W.P.No.14779 of 2024

WEB COPY

registration certificates of the above vehicles to the petitioner's name. To create further trouble the 3rd respondent filed W.P.No.1757 of 2024 and the same was disposed of by the Court that it will not interfere with the dispute between the petitioner and the 3rd respondent.

3. The petitioner further submits that he has also provided the copy of NOC and original RC book and other documents along with the application to transfer the name of the vehicles in his name to the 2nd respondent, but the 2nd respondent failed to transfer the same. Hence, the petitioner sent a representation on 03.04.2024 to the respondents 1 and 2. The 1st respondent forwarded the petitioner's representation to the 2nd respondent through his letter Na.Ka.No.A3/358/2024. But till date 2nd respondent not changed the name of lorries in favour of the petitioner. Due to the act of the 2nd respondent the petitioner is unable to get the lorries FC and pay road tax. Hence, the present petition is filed seeking a direction to the 2nd respondent to transfer the two vehicles in favour of the petitioner's name.

4. Learned Special Government Pleader appearing for the respondents 1 and 2 would submit that necessary orders will be passed



W.P.No.14779 of 2024

after considering the petitioner's representation.

WEB COPY

5. Heard Mr.D.Magesh, learned counsel appearing for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader appearing for the respondents 1 and 2.

6. Considering the facts of the case, this Court without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the petitioner representation dated 03.04.2024 by affording an opportunity of personal hearing and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above observation, this Writ Petition is disposed of. There shall be no order as to costs.

07.06.2024

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



W.P.No.14779 of 2024

Copy To:

WEB COPY

1.The Deputy Transport Commissioner
Moovendar Nagar
Villupuram-605601

2.The Regional Transport Officer
Regional Transport Office
Kupppam, Capper Hills
Cuddalore-607001

V.BHAVANI SUBBAROYAN,J.

kpr



WEB COPY



W.P.No.14779 of 2024

W.P.No.14779 of 2024

07.06.2024.