



W.P.No.14943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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M/s IndusInd Bank Ltd.,
Represented by its Manager-Legal
Mr.I.J. Vasantha Rooban Abishek,
Having Office at No.115 & 116,
G.N. Chetty Road, T.Nagar,
Chennai 600 017.

.. Petitioner

Versus

1. The Joint Transport commissioner(Rules),
Office of the Transport Commissioner,
Ezhilgam, Chepauk, Chennai – 05.

2. The Regional Transport Officer,
Regional Transport Officer,
Coimbatore (North)
Coimbatore 641 034.

3. India chamber Bricks,
Proprietorship firm,
Represented by Yashwanth G. Yadav
92/14, Ragavendra Nagar P and T Colony
Kavundampalayam, Coimbatore

...Respondents



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Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the second respondent to issue Financier Registration Certificate in the name of the Petitioner, M/s IndusInd Bank Ltd for the Vehicle Ashok Leyland made -FV 1618 COWL 8.5 Cum TIPPER Vehicle bearing Registration No. TN 38 CT 1158 within a time frame fixed by this Court.

For Petitioner : Mr.Meera Gnanasekar

For Respondents 1 and 2: Mr. N. Naveenkumar
Government Advocate

For Respondent 3 : Mr. J. Povas

ORDER

This petition is filed to seeking to issue a Writ of Mandamus directing the second respondent to issue Financier Registration Certificate in the name of the Petitioner, M/s IndusInd Bank Ltd for the Vehicle Ashok Leyland made -FV 1618 COWL 8.5 Cum TIPPER Vehicle bearing Registration No. TN 38 CT 1158 within a within a time frame and pass orders.

2.The case of the petitioner is that the petitioner's bank sanctioned



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loan facility to the third respondent for the vehicle TN 38 Ct 1158 KFEZ410825, MB1G3HD1KEFD5808. The sum and substance of the case is that initially there was no default on the part of the 3rd respondent, thereafter the third respondent was irregular in making the payment. Due to which the petitioner bank was constrained to take legal action against the third respondent. However, the 3rd respondent did not comply with the same and did not come forward to take the possession of the vehicle. Hence, the petitioner's bank approached the second respondent and made a representation on 29.11.2023 for financier registration of the vehicle in question. However, the second respondent did not consider the representation of the petitioner till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that the second respondent has ample power to issue a Financier Registration Certificate in favour of the Petitioner's Bank as per Section 51 of the Motor Vehicle Act, 1989 and they did not consider the claim of the petitioner till date. Hence, prays to allow this petition.



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4. The learned Government Pleader appearing for the second respondent filed a counter affidavit wherein they have stated that already a direction was issued to the petitioner to pay the prescribed fee and to comply with the provision of Tamil Nadu Motor Vehicles Taxation Act 1974 and on doing so Fresh Registration Certificate will be issued in the name of the petitioner for the vehicle in question.

5. The learned counsel for the third respondent submitted that they have paid 70% of the borrowed amount to the petitioner. Hence, prays this Court that some leniency can be granted to them.

6. Heard both sides and perused the materials available on record.

7. On a perusal of the counter affidavit it is seen that the second respondent has already considered the plea of the petitioner and the relevant portion is extracted hereunder:

“ In the view of the above said facts explained in supra, I am being the second respondent cum Registering Authority, Coimbatore had already issue a proceedings in



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R.No.71278/A2/2023 dated 10.06.2024 itself by ordering to issue Registration Certificate in the name of the petitioner with a direction to pay the prescribed fee of Rs.1,775/- and also to comply with the provisions of Tamil Nadu Motor Vehicles Taxation Act 1974 within 15 days from the date of receipt of a copy of the proceedings. As and when the financier has paid the prescribed fee for issuance of Registration Certificate in the name of the financier and as well as paid the tax due to the vehicles as on date, fresh Registration Certificate will be issued in the name of the petitioner forth with without any impediment

8. In view of the above facts, it is made clear that the second respondent has considered the plea of the petitioner and to that effect he has also passed an order in R.No.71278/A2/2023 dated 10.06.2024. **Hence taking note of the counter affidavit filed by the second respondent and the submission made by the learned Government Pleader, this Writ Petition is allowed.** No order as to costs. However, this order will not stand in the way of the 3rd respondent to redeem the vehicle or to collect the amount paid by them to the petitioner. Hence,



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liberty is granted to the third respondent to work out the remedy in the manner known to law.

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Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

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