



W.P.No.17968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17968 of 2024

R. Nagarajan
Petitioner

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-Vs-

1. The Regional Transport Officer,
Tiruchengode Taluk, Tiruchengode.

2. Ran India Steels Pvt.Ltd.,
Rep.by its Director,
Ayyappa Towers, 1st Floor, CHB Colony
Velur Road, Tiruchengode 637 211.

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Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the Notice dated 01.04.2024 of the 1st respondent having Reference No.6242/A3/2024 and quash the same and by directing the 1st respondent to permit the petitioner R.Nagarajan in dealing with his four cars, Viz., (a) BMW 7 Series Car bearing Reg.No. TN 34 AA 4488, (b) BMW X1 Car bearing Reg.No.TN 34 AE 4488 (c) SKODA Car bearing Reg.No.TN 34 V 4488 and (d) Land Rover bearing Reg.No.TN 34 W 4488 and pass such further order.



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For Petitioner : Mr.N.Sivaprakash

For Respondents : Mr.M.Venkateswaran
Special Government Pleader for R1

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the Notice dated 01.04.2024 of the 1st respondent having Reference No.6242/A3/2024 and quash the same and by directing the 1st respondent to permit the petitioner R.Nagarajan in dealing with his four cars, Viz., (a) BMW 7 Series Car bearing Reg.No. TN 34 AA 4488, (b) BMW X1 Car bearing Reg.No.TN 34 AE 4488 (c) SKODA Car bearing Reg.No.TN 34 V 4488 and (d) Land Rover bearing Reg.No.TN 34 W 4488.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the 1st respondent.

3. It is the case of the petitioner that he was the Managing Director of the 2nd respondent Company and it was decided by the Management of the 2nd respondent to sell the four Cars viz., (a) BMW 7 Series Car bearing Reg.No. TN 34 AA 4488, (b) BMW X1 Car bearing Reg.No.TN 34 AE 4488 (c) SKODA Car bearing Reg.No.TN 34 V 4488 and (d) Land Rover bearing



Reg.No.TN 34 W 4488 and hence the petitioner came forward for purchase of the above said vehicles. On 04.08.2023 all the aforementioned four cars were sold to the petitioner by raising invoices by the 2nd respondent viz., (a) Invoice No.Veh011/2023-2024 dated 04.08.2023 (b) Invoice No.Veh012/2023-2024 dated 04.08.2023 (c) Invoice No.Veh009/2023-2024 dated 04.08.2023, (d) Invoice No.Veh010/2023-2024 dated 04.08.2023. Based upon which the petitioner purchased the four cars. In pursuance of the above purchase of vehicles, immediately the petitioner approached the 1st respondent to effect the transfer of ownership from the name of the 2nd respondent to his name by filing the necessary transfer forms & accepting the same, the 1st respondent on 08.08.2023 effected the change of ownership and also issued the Registration Certificate in the name of the petitioner. The 1st respondent on the date of transfer has communicated to the 2nd respondent regarding the effect of the transfer of ownership and so the 2nd respondent cannot take a stand that the transfer of ownership has been effected without the knowledge of the 2nd respondent. Ever since the date of purchase, the above said four cars have been in the possession of the petitioner.

4. The petitioner has come out of the 2nd respondent Company and he is no longer the Managing Director of the 2nd respondent Company. The 2nd



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respondent is now being run by a new management and it seems that on 13.03.2024 the 2nd respondent has sent a letter of objection regarding the transfer of the above said four cars. Pursuant to the same, the 1st respondent without even hearing the petitioner, passed an order on 18.03.2024 prohibiting the petitioner from availing any of the services of the 1st respondent. Thereby the above said four cars have been block listed. As on date no written order has been communicated to the petitioner and only a SMS was sent to the petitioner. On 25.03.2024 the petitioner gave a letter in person to the 1st respondent narrating the above facts and requested the 1st respondent to remove his four cars from the block list, confirming his absolute rights over the above said four cars and the said letter was also acknowledged by the office of the 1st respondent. The 1st respondent without replying to the letter dated 25.03.2024 and without sending the copy of the alleged objection letter given by the 2nd respondent to the petitioner on 01.04.2024 sent a letter to the petitioner as well as to the 2nd respondent calling upon them to appear before the 1st respondent for the hearing on 24.04.2024. On 18.04.2024 the petitioner sent another letter to the 1st respondent by way of Registered post, acknowledgment due narrating the entire facts and requested the 1st respondent to pass orders based upon the letter dated 25.03.2024 and the same was received by the respondent. Even for this there is no reply from the 1st respondent. On 24.04.2024 the petitioner



appeared for the hearing and reiterated the above facts. In spite of that till date no order has been passed by the 1st respondent. Because of the above attitude of the 1st respondent the petitioner is not able to deal with the cars and avail the services from the 1st respondent. Hence the writ petition.

5. The learned Special Government Pleader appearing for the 1st respondent submitted that the Regional Transport Officer, Tiruchengode Taluk, Tiruchengode had sent a letter dated 04.07.2024 addressed to him stating that a complaint has been lodged by the 2nd respondent before the Superintendent of Police, Namakkal District and that both the petitioner and the 2nd respondent/Ran India Steels Pvt. Ltd., were asked to appear for enquiry on 24.04.2024 before the 1st respondent. But the 2nd respondent did not appear for enquiry, Hence again a letter was sent to the 2nd respondent to appear for enquiry on 29.05.2024 but the letter has not been received by him. Unless both the parties appear for enquiry only, they can pass a final report in this case.

6. Considering the facts and circumstances of the case, this Court is not inclined to quash the order dated 01.04.2024 passed by the 1st respondent. However, this Court direct the petitioner to appear before the 1st respondent for enquiry and the 1st respondent shall conduct an enquiry which has already been



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initiated by them based on the complaint received from the Police Department and since the original owner namely Ran India Steels Pvt.Ltd., has not turned up for enquiry on 24.04.2024, the learned Special Government Pleader appearing for the 1st respondent is directed to take appropriate action on this issue by giving instructions to the concern police officials to serve them summon on the Ran India Steels Pvt.Ltd., directing him to appear for enquiry and after conducting enquiry, the 1st respondent shall pass orders within a period of four weeks thereafter.

7. With the above observation and direction, this writ petition is disposed of. No costs.

Neutral Citation: Yes/No
dpq

04.07.2024
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V. BHAVANI SUBBAROYAN, J.



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dpq

To

1. The Regional Transport Officer,
Tiruchengode Taluk, Tiruchengode.

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04.07.2024