



W.P.(MD) No.7276 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.7276 of 2024

Alagan, S/o.Govindaraj

... Petitioner

Vs.

1.The Registering Authority,
Regional Transport Office,
Srirangam (Main Office),
Trichy District.

2.The Registering Authority,
Regional Transport Office,
Musiri (Unit Office),
Trichy District.

3.Sundaram Finance Limited
21, Patullos Road,
Chennai - 600 002.

4.G.Ramesh

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the BLACKLIST from Maruti Swift Car bearing Registration No.TN-48-BT-4763 in the light of the petitioner's representation, dated 25.02.2024, within a stipulated period as may be fixed by this Court.



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For Petitioner	: Mr.K.Pragadeesh Kumar
For R1 and R2	: Mr.G.Suriyananth Additional Government Pleader
For R3	: Mr.S.Ponsenthil Kumaran
For R4	: No Appearance

ORDER

The petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the BLACKLIST from Maruti Swift Car bearing Registration No.TN-48-BT-4763, in the light of the petitioner's representation, dated 25.02.2024.

2. The case of the petitioner is that he purchased the Maruti Swift Car bearing Registration No.TN-48-BT-4763 through the public auction conducted by the third respondent on 01.02.2024. It is the further case of the petitioner that after he paid the auction amount to the third respondent, he approached the second respondent on 20.02.2024 for transferring registration of the vehicle in his name and was informed that the vehicle in question was blacklisted in view of the objection given by the fourth respondent.



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3. It is submitted that the third respondent has issued No Objection Certificate (NOC) on 14.02.2024 to the R.T.O. and therefore, there is no impediment for transferring the vehicle in the name of the petitioner.

4. There is no representation on behalf of the fourth respondent.

5. On behalf of the official respondents, a reference is made to Section 51(5) of the Motor Vehicles Act, 1988 read with Rule 61(2) of the Central Motor Vehicles Rules, 1989. It is submitted that in view of the objection of the fourth respondent, the vehicle has been blacklisted and therefore, the registration cannot be transferred.

6. I have considered the arguments advanced by the learned counsel for the parties.

7. The fourth respondent appears to be a defaulter of loan with the third respondent and therefore, the third respondent has re-possessed the vehicle and auctioned the same on 01.02.2024, in which, the petitioner has participated and purchased the above said vehicle. As such, in the absence of a stay/injunction by an Arbitral Tribunal restraining the



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transfer in favour of the petitioner herein, who purchased the vehicle on 01.02.2024, the transfer of registration of the vehicle in favour of the petitioner cannot be denied. If at all, it is open for the fourth respondent to work out his remedy against the third respondent in the manner known to law in terms of the agreement between them.

8. Under these circumstances, this Writ Petition stands allowed, by directing the respondents 1 and 2 to transfer the registration of the said vehicle in the name of the petitioner within a period of two weeks from the date of receipt of a copy of this order. Needless to state, such registration will be without prejudice to the rights of the fourth respondent in the collateral proceedings if any, initiated by the fourth respondent. No costs.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

26.06.2024

To

1.The Registering Authority,
Regional Transport Office,
Srirangam (Main Office),
Trichy District.



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2.The Registering Authority,
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C.SARAVANAN, J.

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