



W.P.(MD) No.7240 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.7240 of 2024

K.P.Sathasivam

... Petitioner

Vs.

1.The Registering Authority,
Regional Transport Authority,
Tirumangalam, Madurai.

2.Yes Bank Ltd.,
100/1, Palam Station Road,
Goripalayam, Madurai – 625 002.

3.Agneeswaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 1st respondent to remove the blacklist from JCB/32DX/BACKHOE LOADER Vehicle bearing registration number TN 58 BX 3488 in the light of the petitioner representation, dated 04.03.2024.



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For petitioner : Mr.K.Pragadeesh Kumar
For respondents : Mr.G.Suriyananth
Additional Government Pleader for R1
Mrs.Lakshmi Gopinathan for
M/s. Polax Legal Solutions for R2
Ms.Banu Priya for R3

ORDER

Heard learned counsel for the petitioner, learned Additional Government Pleader for the first respondent and learned counsel for the respondents 2 and 3.

2. In this Writ Petition, the petitioner is the purchaser of the subject vehicle in a public auction conducted by the second respondent on 28.03.2022, after it was seized from the possession of the third respondent. After the auction was conducted, the second respondent has also issued necessary NOC to the petitioner on 02.06.2022 for transfer of registration and insurance. Despite the same, the first respondent has refused to transfer the vehicle, on the ground that the transfer is contrary to the circular issued by the Government and Section 50 of the Motor Vehicle Act, 1988.

3. The learned Additional Government Pleader for the official



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respondent/first respondent would submit that Arbitration O.P.No.32666 of 2022, which was filed against the award passed by the Arbitral Tribunal, is pending before the Principal Bench of this Court and yet to be disposed of.

4. I have considered the arguments advanced by the learned counsel for the petitioner and learned Additional Government Pleader for the first respondent.

5. It is noticed that the third respondent would have moved the aforesaid Arbitration proceedings before Principal Bench of this Court, against the award that was passed by the Arbitral Tribunal. Since the dispute would relate to the amount that is recoverable from the third respondent, if any remedy of the third respondent has to be redressed by the third respondent only before the Arbitral Tribunal or the High Court. Even if such an Arbitration O.P is pending before the Principal Bench of this Court, the petitioner, who is *prima facie* purchaser, cannot be deprived by the registration.

6. Under these circumstances, this Writ Petition is disposed of by directing the first respondent to transfer the name in favour of the petitioner. Needless to



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state, this transfer of name will be without prejudice to the rights of the third respondent as in Arbitration proceedings, which the third respondent may have initiated. After the registration is transferred in the name of the petitioner, the petitioner shall not transfer the vehicle to a third party for a period of one year from the date of the transfer of registration. Meanwhile, the third respondent may work out the remedy before the High Court or District Court, if any proceedings have already been initiated against the Arbitration award that have been passed.

This Writ Petition is allowed, with above directions. No costs.

Index : Yes / No
Internet : Yes / No
apd

26.06.2024

To

The Registering Authority,
Regional Transport Authority,
Tirumangalam, Madurai.



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C.SARAVANAN, J.

apd

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