



W.P.(MD) No.17624 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.17624 of 2024

Alagan

.. Petitioner

Vs.

1.The Registering Authority,
Regional Transport Office,
Madurai North, Madurai District.

2.Yes Bank Ltd.,
Rep., by its Manager,
100/1, Palam Station Road,
Goripalayam, Madurai-625 002.

3.L.Karthikeyan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating with the impugned order in Na.Ka.No.10395/B4/2024 dated 12.07.2024 passed by the 1st Respondent and quash the same as it is arbitrary and illegal and consequently direct the 1st respondent to remove the blacklist.



W.P.(MD) No.17624 of 2024

WEB COPY

For Petitioner : Mr.B.Vetrivel
For R1 : Mr.R.Suresh Kumar
Additional Government Pleader
For R2 & R3 : No appearance

ORDER

The challenge in the writ petition is to the order passed by the first respondent wherein the claim of the petitioner had been rejected by holding that registration certificate should be transferred first in the name of the financier and only thereafter, it could be transferred in the name of the petitioner.

2. None appears for the second respondent, though notice to the second respondent/financier had been served. In fact, the name of the second respondent had been printed in the cause list. The notice sent to the third respondent had been returned 'unclaimed'. Hence, the service to him is deemed to be completed.



W.P.(MD) No.17624 of 2024

WEB COPY

3. The learned counsel appearing for the petitioner would contend that the transfer is being sought for based upon the transfer forms issued by the third respondent, who had failed to pay the EMIs to the second respondent-Bank to repossess the vehicle in the manner known to law and had brought the vehicle for auction in which the petitioner was a successful bidder. The second respondent had issued a 'No Objection Certificate' for his no objection for transferring the vehicle directly in the name of the petitioner. However, without considering the same, the first respondent had passed the order. Therefore, he would seek for setting aside the order impugned in this writ petition.

4. On the contrary, the learned Additional Government Pleader appearing for the first respondent would submit that the petitioner had not made an application on the portal and had only made a representation. If the petitioner makes an application in the manner known to law, the same would be considered on merits and in accordance with law.



W.P.(MD) No.17624 of 2024

WEB COPY

5. The petitioner had purchased the vehicle in an auction sale conducted by the second respondent, which had been repossessed from the original owner for his default in non-payment of the EMIs. Based upon the transfer forms obtained from the second respondent and the no objection letter issued by the financier, the petitioner had approached the first respondent for transfer, however, by way of a representation and the same had been rejected by the first respondent. The reason stated in the impugned order is that the vehicle had to be transferred in the name of the second respondent and only thereafter, it can be transferred in the name of the petitioner.

6. It is to be noted that the second respondent is only a financier, who had financed the vehicle and the vehicle stood in the name of the third respondent. When that be so, the impugned order cannot be sustained and therefore, the same is set aside. It is also to be noted that the petitioner had not made an application as prescribed under law.



W.P.(MD) No.17624 of 2024

WEB COPY

7. In view of the aforesaid findings, the impugned order is set aside and a direction is issued to the petitioner to make an application in the manner known to law and when such application is made, the first respondent is directed to consider the application of the petitioner on merits. It is needless to state that the transfer of name in the name of the petitioner will be without prejudice to the right of the third respondent, if any available to him. After the registration in the name of the petitioner, the petitioner shall also not transfer the vehicle to any third party for a period of one year from the date of transfer of registration.

8. With the aforesaid directions, this Writ Petition is allowed.
There shall be no order as to costs.

19.12.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr



WEB COPY



W.P.(MD) No.17624 of 2024

K.KUMARESH BABU, J.

abr

To

The Registering Authority,
Regional Transport Office,
Madurai North, Madurai District.

W.P.(MD) No.17624 of 2024

Dated: 19.12.2024