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W.P.No.23328 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE N.MALA

W.P.No.23328 of 2025

K.Thiyagarajan

.. petitioner

vs

1.The Regional Transport officer
Regional Transport office
Chennai 9west) K.K.Nagar
Chennai – 600078.

2.Bajaj Finance Limited
Rep by its Director
Old Mumbai – Pune Highway
Akrudi, Pune
Maharastra – 411 035.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 1st respondent herein to consider and pass orders on the petitioner's application dated 19.07.2024 for renewal of the petitioner's Auto Rickshaw permit in respect of his vehicle bearing Registration No.TN09-CT-0684 without insisting upon any No Objection Certificate from the 2nd respondent.



For Petitioner : Mr.R.Srinivassalu

For Respondents : Mrs.C.Meena Arumugam, AGP

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ORDER

This writ petition is filed to direct the 1st respondent herein to consider and pass orders on the petitioner's application dated 19.07.2024 for renewal of the petitioner's Auto Rickshaw permit in respect of his vehicle bearing Registration No.TN09-CT-0684, without insisting upon any No Objection Certificate from the 2nd respondent.

2. With the consent of the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents, this writ petition is taken up for final disposal.

3. The petitioner is the owner of the Auto Rickshaw bearing Registration No.TN09-CT-0684. The permit under Rule 172 of the Motor Vehicles Rules, was issued by the first respondent on 31.07.2019, with validity from 31.07.2019 to 30.07.2024. The petitioner states that for purchasing the above vehicle, the petitioner had availed loan for a sum of Rs.1,78,000/- from the second respondent. Since disputes arose between



the petitioner and the second respondent, with regard to the loan amount, the petitioner filed suit in OS.No.8453 of 2021 before the VII Assistant City Civil Court, Chennai and the same was dismissed on 26.06.2024.

4. Meanwhile, the petitioner applied for permit renewal to the first respondent on 19.07.2024, along with the necessary fees. The first respondent on receiving the application, orally directed the petitioner to obtain a NOC from the second respondent. The petitioner sent a letter to the 2nd respondent for issuance of NOC for renewal of his Auto permit, but the 2nd respondent did not reply to the petitioner's letter. Hence, the petitioner filed the above writ petition for the aforesaid relief.

5. The learned counsel for the petitioner submitted that the first respondent was bound to renew the Auto rickshaw permit without insisting for NOC from the second respondent. The learned counsel relying on Section 51(9) of the Motor Vehicles Act, 1988, in support of his submissions, prayed for a direction to the 1st respondent to consider the petitioner's application in terms of Section 51[9] of the Act.



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6. Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents and perused the materials available on record. With consent of both counsels, the writ petition is taken up for final disposal.

7. The short point for consideration is whether the NOC of the 2nd respondent for renewal of Auto permit is required?

8. The learned counsel for the petitioner placed reliance on Section 51[9] of the Motor Vehicles Act in support of his submission that NOC of the 2nd respondent is not mandatory. The relevant provisions of Section 51(9) of the Motor Vehicle Act reads as follows :-

“51(9) On receipt of an application for the renewal of any permit or for the issue of duplicate certificate of registration or for assignment of a new registration mark in respect of a vehicle which is held under the said agreement, the appropriate authority may, subject to the other provisions of this Act,—

(a) in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity of being heard, either—

(i) renew or refuse to renew the permit, or



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(ii) issue or refuse to issue the duplicate certificate of registration, or

(iii) assign or refuse to assign a new registration mark;

(b) in any other case,—

(i) renew the permit, or

(ii) issue duplicate certificate of registration, or

(iii) assign a new registration mark.”

9. As rightly contended by the learned counsel for the petitioner, under the aforesaid Section, in case of refusal of NOC by the Financier, the 1st respondent is empowered to consider the petitioner's application dated 19.07.2024, by affording an opportunity of hearing to the petitioner. The respondent even without referring to provisions of Section 51[9] of the Motor Vehicles Act, is keeping the petitioner's application pending.

10. In view of the facts and circumstances of the case, I direct the 1st respondent to consider the application of the petitioner dated 19.07.2024, by following the procedure laid down in Section 51[9] of the Motor Vehicles Act, and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



11. In the result, the writ petition is accordingly disposed of. No costs.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The Regional Transport officer

Regional Transport office

Chennai (west) K.K.Nagar

Chennai – 600078.



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N. MALA, J.

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