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Writ Petition No.39486 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 23.01.2025**

**CORAM :**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**Writ Petition No.39486 of 2024**

Sarat Chandra Kumar

.... Petitioner

-Vs-

1.The Assistant Registering Authority  
Regional Transport Office  
Transport Department  
Sanneerkuppam  
Poonamallee  
Chennai 600 056.

2.Siddharth Gopinath Menon

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to transfer the registration certificate of the car bearing Registration Number TN 12 X 7511 in petitioner without insisting on a No Objection Certificate from the second respondent, in view of the statement recorded by this Court in the order dated 31 October 2022 in Criminal O.P.No.20096 of 2019.



Writ Petition No.39486 of 2021

For Petitioner : Ms.Gopika Nambiar

For Respondents : Mr.T.Chandrasekaran  
Special Government Pleader  
for R1

### **ORDER**

The writ petition has been filed in the nature of a Mandamus seeking a direction against the 1st respondent to transfer the registration certificate of the car bearing Registration Number TN 12 X 7511 in the name of the petitioner without insisting on a No Objection Certificate. Even before proceeding further, the statement made on behalf of the 1<sup>st</sup> respondent that the vehicle was registered in Regional Transport Officer, Coimbatore is noted and therefore a Mandamus cannot be issued to the 1<sup>st</sup> respondent. The petitioner is residing at Coimbatore, even though the vehicle had been registered at Poonamallee before the 1<sup>st</sup> respondent the transfer of ownership application form has to be submitted before the Regional Transport Office at Coimbatore Central. The 2<sup>nd</sup> respondent is the son-in-law of the petitioner.

2.Notice had been directed in this writ petition to the 2<sup>nd</sup> respondent. However it had been returned back with the endorsement 'no such person'. The



petitioner has severe grievances against the conduct of the 2<sup>nd</sup> respondent. The daughter of the petitioner had unfortunately taken a decision to commit suicide owing to various issues which had arisen which are not germane to determine the facts in this writ petition.

3.Be that as it may, a criminal compliant has been lodged against the 2<sup>nd</sup> respondent and FIR in Crime No.836 of 2018 had been registered by the Inspector of Police, Maduravoyal Police Station originally under Section 174 Cr.PC, and subsequently altered to Sections 306, 406 and 498A IPC. The 2<sup>nd</sup> respondent herein was one of the accused. He had filed CrI.OP.No.20096 of 2019 which came up for consideration before a learned Single Judge of this Court on 31.10.2022. He had filed that Original Petition under Section 482 of Cr.PC., seeking to quash aforementioned FIR in Crime No.836 of 2018. By an order dated 31.10.2022, the learned Single Judge of this Court had quashed the FIR. But however the learned counsel for the petitioner places reliance on the observation made in the course of that particular order viz., which s follows:

*3".....whereas the car which was purchased from the fund provided by the de facto complainant has not been used by them, but it is in their custody and any time, the defacto complainant can take back the car. This reply was sent on 15.05.2019".*



4.Claiming that the 2<sup>nd</sup> respondent had directly acknowledged that the vehicle which is now sought to be transferred in the name of petitioner had actually been purchased by the petitioner, the petitioner seeks the transfer of ownership to his name and also expresses difficulty in getting signature in Form Nos.29 and 30 as required of the transferor of the vehicle.

5.Rule 55 of the Central Motor Vehicles Rules, 1989, provides for transfer of ownership. The Rule states that Form 29 has to be submitted in the jurisdiction where the transferee resides and has his place of business. The transferee in this case is the writ petitioner and he is residing in Coimbatore and therefore as pointed on behalf of the 1<sup>st</sup> respondent the application form will have to be submitted before the Regional Transport Office at Coimbatore Central. But however Form 29 requires the signature of the transferor viz., the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent had not responded to the notice issued by this Court. The 2<sup>nd</sup> respondent would never come forward to sign the transfer form owing to the animosity between him and the petitioner which certainly exists as on date.

5.But it is an admitted fact that it is the petitioner who had purchased



vehicle. The learned counsel for the petitioner therefore insists that a Mandamus should be issued that without insisting with such signature owing to the admission made by the 2<sup>nd</sup> respondent in CrI.OP.No.20096 of 2019, the vehicle should be transferred in the name of the petitioner. It is also contended that the vehicle is possession of the petitioner. It is further contended that the registration certificate and all other documents of the vehicle are in the possession of the petitioner .

6.A direction is issued to the petitioner to apply afresh to the Regional Transport Officer at Coimbatore Central, enclosing not only the required documents viz., the registration certificate and Form 29 without the signature of the transferor and explain as to why the signature could not be obtained and also enclosing a copy of the order in CrI.OP.No.20096 of 2019 and also a copy of this order. The Regional Transport Officer at Coimbatore Central, is directed to take an appropriate decision on submission of such form by the petitioner herein. A decision has to be taken within a period of three weeks from the date of submission of such form by the petitioner herein. The Regional Transport Officer may understand that obtaining signatures in cases where it is impossible to get signature, should be viewed differently and an affidavit explaining the



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surrounding circumstances should be examined in its proper light by the officer concerned.

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7.The Writ Petition stands disposed of with the above directions. No costs

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Index : Yes/No

NCS : Yes/No

KP



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To

The Assistant Registering Authority  
Regional Transport Office  
Transport Department  
Senneerkuppam  
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**C.V.KARTHIKEYAN.,J**  
**KP**

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