



W.P.(MD)No.4464 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4464 of 2025

J.Suresh Kumar

... Petitioner

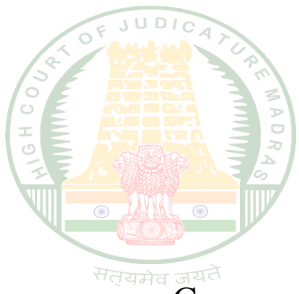
-VS-

- 1.The Regional Transport Officer,
Regional Transport Office, Sivakasi,
Virudhunagar District.
- 2.The Sub Inspector of Police,
East Police Station, Sivakasi,
Virudhunagar District.
- 3.Rajasekaran,
Proprietor - Siva Rooban Auto Finance,
Suruli Falls Main Road,
Anaipatti, Uthamapalayam,
Theni District.
- 4.S.Periyasamy

5.G.Murugan @ Karuppasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to remove the hypothecation endorsement made in the petitioner's vehicle's RC Book bearing Registration No.TN-84-X-9199, in the name of third respondent's Finance



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Company and consequently, direct the first respondent to issue NOC to the petitioner's vehicle, based on the petitioner's representation dated 22.11.2024.

For Petitioner : Mr.J.Jeyakumaran

For R1 : Mr.C.Venkateshkumar
Special Government Pleader

For R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to remove the hypothecation endorsement made in the petitioner's vehicle's RC Book bearing Registration No.TN-84-X-9199, in the name of the third respondent's Finance Company and consequently, direct the first respondent to issue NOC to the petitioner's vehicle, based on the petitioner's representation dated 22.11.2024.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. Since no adverse orders are going to be passed against the respondents 3 to 5, notice to the respondents 3 to 5 is hereby dispensed with.

4. The petitioner claims that he purchased a second-hand Hyundai Creta vehicle bearing Registration No.TN-84-X-9199 from one Chandru for Rs.10,25,000/-. The petitioner paid Rs.5,25,000/- in cash and arranged a loan for the remaining Rs.5,00,000/- from Sundaram Finance Private Limited in Sivakasi. The loan period was from 2017 to 2019. In 2019, the petitioner repaid the entire loan amount to Sundaram Finance and obtained a no-objection certificate for the cancellation of the endorsement. Following the same, he cancelled the endorsement in the first respondent's office. However, on 24.08.2023, the petitioner received a courier from the first respondent's office, in which he found his R.C. Book with an endorsement of the third respondent Finance Company.

5. The petitioner further submits that he subsequently came to know that the respondents 4 and 5 had mortgaged the R.C. Book by forging his signature on the loan application and fabricating his I.D. cards. Therefore, on 15.07.2024, the petitioner filed a complaint with the second respondent Police, who summoned

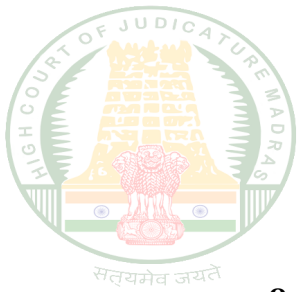


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the respondents 3 to 5, conducted a detailed enquiry, and registered the complaint as C.S.R.No.420 of 2024. The fourth respondent gave a statement to the Police that he would repay the loan amount within three months and return the original R.C. Book to the petitioner. The respondents 3 to 5 are hand in glove with each other with an intention to cheat the petitioner and to grab his vehicle with an ulterior motive from the very beginning. Therefore, on 22.11.2024, the petitioner submitted a detailed representation to the first respondent, requesting an enquiry. Since no action has been taken, the petitioner has now filed the present Writ Petition.

6. Heard the learned counsel appearing for the parties.

7. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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8. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 22.11.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, the respondents 3 to 5, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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19.02.2025

To:-

1. The Regional Transport Officer,
Regional Transport Office, Sivakasi,
Virudhunagar District.



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2.The Sub Inspector of Police,
East Police Station, Sivakasi,
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VIVEK KUMAR SINGH, J.

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