



W.P.(MD)No.7247 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7247 of 2025

and

W.M.P.(MD)No.5465 of 2025

The Bank of India,
Palayamkottai Branch,
Represented by its,
Senior Branch Manager, B.Janani,
W/o.Elangovan,
Having Registered Office at
No.101/1, KVS Arcade,
Trivandrum Road, Palayamkottai,
Tirunelveli – 627002.

... Petitioner

-VS-

1.The Regional Transport Officer,
Regional Transport Office,
Madurai South, Madurai District.

2.Subramanian

3.V.Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in Na.Ka.No.6279/U3/2025, dated 04.03.2025, on the file of the first respondent and quash the same as illegal and further directing the first



W.P.(MD)No.7247 of 2025

respondent to issue registration certificate in the name of the petitioner bank within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Jeyamohan

For R1 : Mr.K.Selva Ganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned proceedings of the first respondent, dated 04.03.2025 and a consequential direction to the first respondent to issue registration certificate in the name of the petitioner bank.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the respondents 2 and 3, notice to the respondents 2 and 3 is hereby dispensed with.

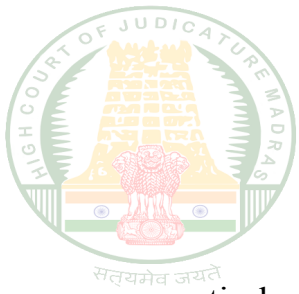
4. The learned counsel for the petitioner submits that the first respondent ought not to have refused to entertain the registration of the subject vehicle in the



W.P.(MD)No.7247 of 2025

name of the petitioner bank, especially since the vehicle is admittedly hypothecated to the petitioner bank. The refusal by the first respondent to register the vehicle in the name of the petitioner bank is unjustified, as the second respondent has failed to make the required payments, resulting in the petitioner bank lawfully taking possession of the vehicle after complying with all necessary legal procedures. The petitioner bank, after taking possession of the vehicle, conducted the auction proceedings in accordance with the due process of law. In the said auction, the third respondent emerged as the successful bidder and subsequently purchased the subject vehicle. Therefore, the petitioner bank is entitled to the registration of the vehicle in its name and the respondent's refusal to entertain the said request is without any merit.

5. The learned Additional Government Pleader appearing for the first respondent submits that the refusal to entertain the registration of the subject vehicle in the name of the petitioner bank is justified, as the petitioner bank has not followed the proper legal procedures required for the transfer of ownership. It is contended that while the vehicle is hypothecated to the petitioner bank, the process of taking possession and conducting the auction may not have been

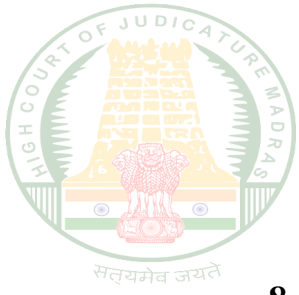


W.P.(MD)No.7247 of 2025

entirely in accordance with the legal requirements and the terms agreed upon between the parties. The learned Additional Government Pleader further submits that the auction proceedings conducted by the petitioner bank may not have been in compliance with the relevant regulations and the third respondent's bid could be invalid due to procedural irregularities. Therefore, the petitioner's request for registration of the subject vehicle should be denied until all procedural requirements have been duly met.

6. Heard the learned counsel appearing for the parties.

7. After carefully considering the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent, this Court finds that the impugned order passed by the first respondent requires reconsideration. The petitioner bank has followed the appropriate legal procedures for taking possession of the vehicle and conducting the auction and the third respondent has been identified as the successful bidder.



W.P.(MD)No.7247 of 2025

WEB COPY

8. In the light of the above, this Court hereby sets aside the impugned order of the first respondent dated 04.03.2025 and remits the matter back to the first respondent for a fresh consideration. The first respondent is directed to consider the petitioner's case on its merits, taking into account all relevant facts and to pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order.

9. The Writ Petition stands allowed on the above terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

18.03.2025

To:-

The Regional Transport Officer,
Regional Transport Office,
Madurai South, Madurai District.



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W.P.(MD)No.7247 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.7247 of 2025

18.03.2025