

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.30747 of 2015

S. Suchitra

[Petitioner]

Vs

The Regional Transport Officer
Regional Transport Office
Mettupalayam
Nilgiri District

[Respondent]

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent herein to dispose of the application submitted by the petitioner for the transfer of ownership of the vehicle namely vehicle bearing Registration No. TN38BJ 6307 LMV (Car) silver colour Maruthi Suzuki India Limited (maker) Saloon (body type) having chasis No.MA3ERLFIS00219635 Engine No. G12BN200037 EECO 5 Star AC (makers class).

For Petitioner : Mr.R.M.D.Nazarullah

For Respondent : Mr.M.S.Ramesh, AGP

ORDER

Heard the learned counsel for the petitioner and Mr.M.S.Ramesh, learned Additional Government Pleader, who took notice for the respondent and with their consent, the main writ petition itself is taken up for disposal.

2. This writ petition is filed for the issuance of a writ of mandamus to direct the respondent herein to dispose of the application submitted by the petitioner for the transfer of ownership of the vehicle namely vehicle bearing Registration No. TN38BJ 6307 LMV (Car).

3. According to the petitioner, she is the owner of the vehicle bearing Registration No.TN38BJ 6307 LMV. Originally, according to the petitioner, the said vehicle belonged to her father late Mr.Kasthurisamy, who sold the same to her on 17.02.2013 for a consideration of rs.2,10,000/- to meet out his medical expenses.

Pursuant to the sale made, by submitting necessary application, the petitioner secured transfer of ownership of the vehicle with effect from 06.05.2013 and the same was duly recorded in the Certificate of Registration. Further, according to the petitioner, she sold the said vehicle to one Ponnuraj on 25.12.2014 for a consideration of Rs.2,00,000/- by signing all the relevant forms. The said Ponnuraj, without effecting name transfer, appears to have sold the said vehicle to one Jalaludeen on 24.01.2015, who got the transfer of ownership of the vehicle in his name. Pursuant thereto, the said Jalaludeen in turn sold the said vehicle to the petitioner on 02.05.2015, after receiving a consideration of Rs.2,00,000/-. Thereafter, the petitioner submitted necessary forms seeking transfer of ownership of the vehicle in her name on 08.05.2015, by paying necessary fees. Since there was no response, a legal notice dated 09.07.2015 was issued on the respondent, demanding to effect name transfer and hand over the registration certificate which was submitted along with the forms for transfer of ownership. After receiving the same, the respondent issued an antedated communication dated 18.06.2015 stating that he has received an objection letter from the petitioner's sister alleging that name transfer in the Registration Certificate of the vehicle has been obtained by producing bogus documents, for which, a reply was submitted by the petitioner on 15.07.2015, followed by a reminder dated 07.08.2015. But, till date there is no response. Hence, the petitioner is before this Court.

4. The grievance of the petitioner, according to the learned counsel for the petitioner is that since the original registration certificate of the vehicle was submitted before the respondent, she is not in a position to use the vehicle on public road and though the application was submitted as early as on 08.05.2015 for transfer of ownership, the same has not been disposed of till date. Hence, the learned counsel for the petitioner has sought for allowing of the writ petition.

5. Since the application submitted by the petitioner for transfer of ownership of the vehicle namely vehicle bearing Registration No. TN38BJ 6307 LMV (Car) on 08.05.2015 is kept pending till date, the respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rg

To

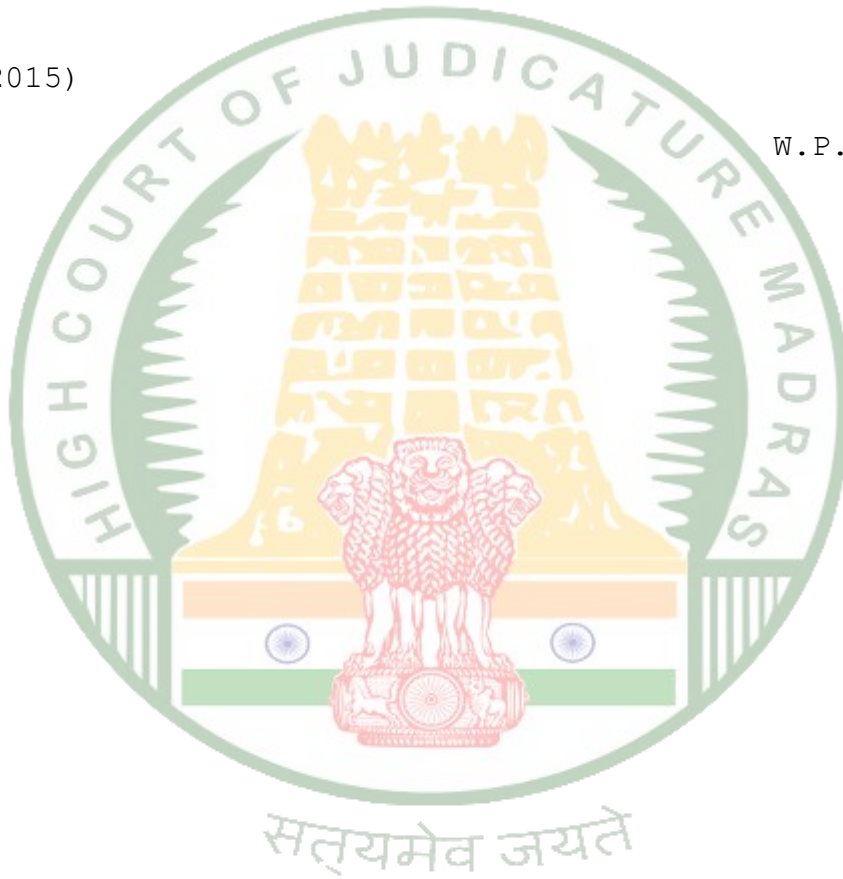
The Regional Transport Officer
Regional Transport Office
Mettupalayam
Nilgiri District.

+1cc to Mr.K.V. Shanmuganathan, Advocate, S.R.No.53565

+1cc to the Government Pleader, S.R.No.53390

CA(CO)
EU(12/10/2015)

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