



W.P.(MD)No.735 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.735 of 2021

Jebaraja.J,

... Petitioner

Vs

1. The Officer Incharge,
Non Banking Financial (Nbfci) Company
Division, Reserve Bank of India,
Chennai..

2. The Regional Transport Officer,
Tuticorin Regional Transport Office
Tuticorin..

3. The Superintendent of Police,
Tuticorin District , Tuticorin..

4. The Inspector of Police,
Sipcot Police Station, Tuticorin..

5. Imran,
Manager, Manappuram Finance Ltd.,
Branch Id 3233, Jewellery Bazar Road,
Tuticorin..



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6. The Chairman and Managing Director
Manapuram Finance Ltd.,
Registered Office , Iv / 470 A (Old)
W638a (New) Manappuram House, Valapad,
Thrissur - 680567, Kerala State..

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the official respondents to take suitable action against the 5th and 6th respondents who violated reserve Bank Circulars in the matter of collection of dues and settled law in the matter of repossession and consequently direct them to hand over the petitioners Lorry No. TN 69 AP 4775 by rescheduling the loan amount based on petitioners representation dated 08/12/2020.

For Petitioner :Mr.A.Prasanna Rajadurai
For Respondents :Mr.A.K.Manikkam for R2 to R4
Special Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the official respondents to take action against the 5th respondent and 6th respondent for illegally seizing the vehicles belonging to the petitioner and for a consequential direction to the 5th respondent and 6th respondent to reschedule the loan payment.



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2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 2 to 4.

3. The petitioner had availed vehicle loan from the 5th and 6th respondents and had purchased a lorry. The petitioner was also remitting the instalments. During the COVID-19 pandemic, the petitioner was not able to pay instalments. In the meantime, the vehicle was forcibly taken over by the 5th respondent. It is in these circumstances, the present writ petition has been filed before this Court to take action against the financier and for a consequential direction to the financier to reschedule the loan.

4. In the considered view of this Court, the petitioner has knocked the doors of the wrong court. If the petitioner is aggrieved by the action taken by the financier, the petitioner has to agitate the rights before the appropriate forum. Admittedly, there was a hire purchase agreement and it is now a settled law that the financier will continue to be the owner of the vehicle till the last instalment is paid by the petitioner. Therefore, the



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petitioner has to necessarily agitate his rights before a different forum and seek for remedy. Except giving this clarity, no further orders can be passed in this writ petition.

This writ petition is disposed of in the above terms. No costs.

10.10.2023

NCC :Yes/No

Index :Yes/No

RR

To

1. The Regional Transport Officer,
Tuticorin Regional Transport Office
Tuticorin..

2. The Superintendent of Police,
Tuticorin District , Tuticorin..

3. The Inspector of Police,
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N.ANAND VENKATESH, J.

RR

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