IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 8822 of 2015 (C)

PETITIONER(S):

LATHEEF P.P.,
AGED 31 YEARS, S/O ABOOBACKER HAJI,
2/222, ZEENATH MANZIL,
VYDYARANGADI P.O.,
RAMANATTUKARA, KOZHIKODE DISTRICT.

BY ADVS.SRI.G.HARIHARAN &
SRI.PRAVEEN H.

RESPONDENT(S):

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1. THE SUB INSPECTOR OF POLICE,
FEROKE POLICE STATION, FEROKE,
KOZHIKODE DISTRICT-673 643.

2. DISTRICT POLICE CHIEF,
MALAPPURAM-676 505.

3. TATA MOTOR FINANCE LTD.,
GROUND FLOOR, THARIFF BUILDING, CALICUT ROAD,
MANJERI-676 121.

4. SUB INSPECTOR OF POLICE,
TANUR, MALAPPURAM DISTRICT-676 505.

BY PUBLIC PROSECUTOR SMT.S.HYMA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

WP(C).No. 8822 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT'S OFFICE WELCOMING THE PETITIONER TO THE FINANCIAL TRANSACTION WITH THE SAID RESPONDNDENT VIDE COMMUNICATION DATED 30.11.2011.

EXHIBIT P2: TRUE COPY OF THE REPAYMENT SCHEDULE ISSUED BY THE 3RD RESPONDENT ON 30.11.2011.

EXHIBIT P3: TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT DEMANDING A PAYMENT OF RS.71,689/- FROM THE PETITIONER.

EXHIBIT P4: TRUE COPY OF THE STATEMENT OF ACCOUNT ISSUED BY THE 3RD RESPONDENT RELATING TO THE PETITIONER'S LOAN ACCOUNT AS ON 15.5.2013.

EXHIBIT P5: TRUE COPY OF THE JUDGMENT MADE IN WPC NO.11177/2014 DATED 16.5.2014.

EXHIBIT P6: TRUE COPY OF THE COMPLAING DATED 10.3.2015 FILED BEFORE THE IST RESPONDENT WITH COPY MARKED TO THE 2ND AND 4TH RESPONDENTS.

RESPONDENT(S)' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P. UBAID, J.

W.P.(C) No.8822 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

The writ petitioner seeks criminal action on his complaint alleging seizure of a vehicle covered by a hypothecation agreement. Now, there is police report that the said vehicle was seized by the financier in terms of the hypothecation agreement authorising seizure of vehicle in case of default in payment of the loan amount. The report also shows that an arbitration proceeding is now pending, concerning the liability under the hypothecation agreement. Any way, the petitioner is not present to prosecute the writ petition. It appears that he knows what will happen, if it is prosecuted. I find that the writ petitioner does not deserve any relief in this proceeding. I find that the vehicle was in fact seized by the financier as authorised under the hypothecation agreement.

Hence, writ petition is dismissed.

Sd/-

P. UBAID, JUDGE

sd