

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.17110 of 2015 and
M.P.No.1 of 2015

Ponnurangan

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Petitioner

Vs

1.The Sub-Inspector of Police,
F-2, Auroville Police Station,
Puducherry - 605 111.

2.The Superintendent of Police,
O/o The Superintendent of Police,
Villupuram District.

3.M/s.IndusInd Bank,
The Authorised Signatory
Industrial Marketing Finance Service Ltd.,
No.12, Chairman Suburalu St.,
Near Bharani Ortho Hospital,
Villupuram - 605 602.

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India for a writ of Mandamus directing the second respondent to enquire into the matter and take suitable action against the third respondent for the illegal act and violation of the provision of law and consequently, direct the third respondent to hand over the vehicle within stipulated period of time on the basis of petitioner's complaint dated 08.05.2015.

For Petitioner :No Appearance

For RR1 & 2 :Mr.C. Emalias,
Additional Public Prosecutor

ORDER

This Court heard the learned counsel for the petitioner on 18.06.2015 and at his request, the matter was adjourned to 19.06.2015 for orders. On 19.06.2015 also, the learned counsel for the petitioner sought for adjournment. Hence, the matter is ordered to be posted today (22.06.2015) for orders. Today also, there is no representation for the petitioner.

2.Heard the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3.It is the case of the petitioner that he had borrowed a vehicle loan from IndusInd Bank and that when he had defaulted in making payment, the Bank people have illegally taken away his vehicle. Therefore, the petitioner lodged a complaint on 08.05.2015 before the respondents 1 and 2, requesting them to take action against the third respondent Bank for seizure of the vehicle of the petitioner.

4.This writ petition has been filed for a direction to the second respondent to enquire into the matter and to take suitable action against the third respondent for the illegal act and violation of the provision of law and consequently, direct the third respondent to hand over the vehicle to the petitioner, within a stipulated period time, on the basis of petitioner's complaint dated 08.05.2015.

5.On a reading of the complaint, it does not disclose the commission of any offence much less a cognizable offence. The Hon'ble Supreme Court in Charanjit Singh Chadha v. Sudhir Mehra (2001 (7) Supreme 239) has clearly held that under the Hire Purchase Agreement, the Lender who is the de jure owner of the vehicle has the power to re-possess the vehicle and a criminal prosecution as against the Bank is not maintainable. Thus, the action taken by the third respondent Bank cannot be stated to be illegal.

6.In the result, the writ petition fails and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Sub-Inspector of Police,
F-2, Auroville Police Station,
Puducherry - 605 111.

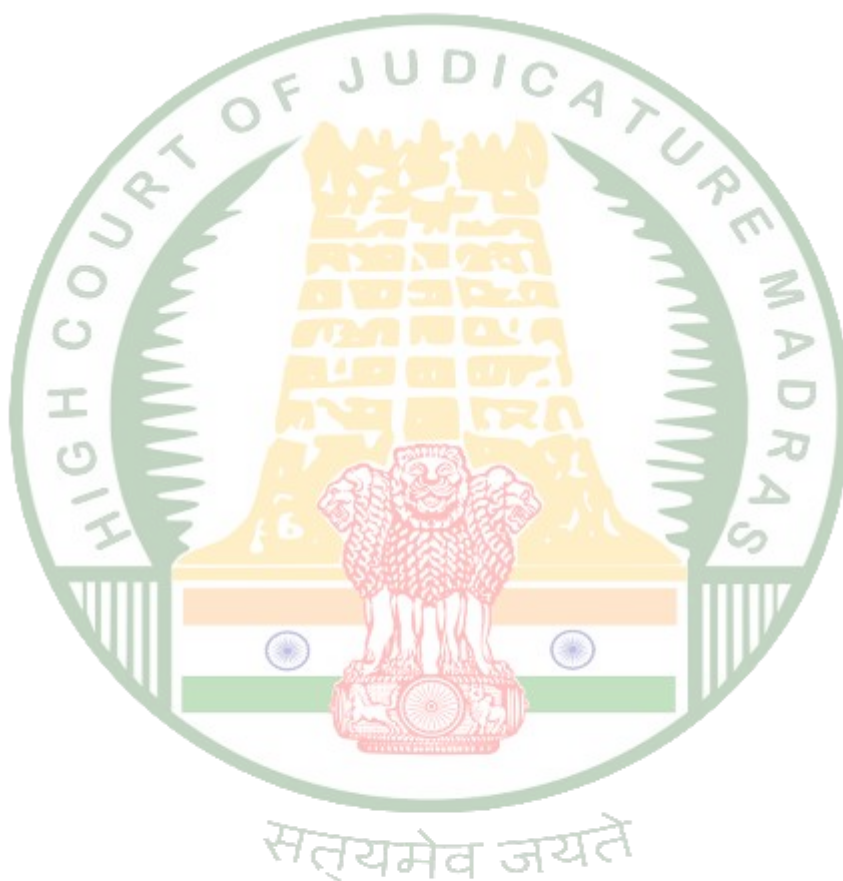
2.The Superintendent of Police,
O/o The Superintendent of Police,
Villupuram District.

3.The Authorised Signatory
M/s.IndusInd Bank,
Industrial Marketing Finance Service Ltd.,
No.12, Chairman Suburalu St.,
Near Bharani Ortho Hospital,
Villupuram - 605 602.

4.The Public Prosecutor,
High Court, Madras.

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W.P.No.17110 of 2015



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