

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3983 of 2015

&

M.P.No.1 of 2015

R.Sampooranam

... Petitioner

vs.

1. Reserve Bank of India
Rep. By its Secretary
Fort Glacis, Rajaji Salai
P.B.No.40, Chennai - 600 001

2. The District Collector
Salem District
Salem

3. Indusind Bank Ltd.,
Rep. By its Authorized Officer
Vehicle Finance Division
184/1, 1st Floor, Royal Tower, Meyyanoor
Opp. ARRS Multiplex Theatre
Salem - 4

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 10.02.2015 for extension of time to payment and to handover the Multi Axe Goods (lorry) in Vehicle No.TN 52A 9388 to the petitioner in the light of the reported judgment in 2007 2 MLJ 854 (SC).

For Petitioner : Mr.A.Esakkiappan

For Respondents : Mr.S.Gunasekar
Government Advocate

ORDER

The petitioner seeks for a direction upon the third respondent to consider the petitioner's representation dated 10.02.2015 and

grant extension of time for payment and to return the Multi Axle Goods Vehicle bearing Registration No.TN 52A 9388.

2. The petitioner's son borrowed a sum of Rs.8,50,000/- from the third respondent bank, which is admittedly a private bank. The petitioner's son was done to death. According to the petitioner, they have paid 14 installments totalling to Rs.4,55,000/- and subsequently there has been default. The third respondent has repossessed the vehicle. Now the petitioner has come forward with this writ petition to direct the third respondent to release the vehicle.

3. Admittedly, the third respondent bank is a private bank and no writ of mandamus can be issued. The question of applying the decision of the Supreme Court in the case of Manager, ICICI Bank Ltd., Vs. Prakash Kaur and others reported in (2007) 2 MLJ 854 (SC) does not arise in all cases and in the said case, before the Honble Supreme Court there was material to show that the action of the appellant bank therein through its recovery agent was highhanded. In the instant case, there is no such allegation. Hence, no positive direction can be issued. However, this will not prevent the petitioner from approaching the third respondent with appropriate offer and expressing his willingness to settle amount. If the same is made, it is open to the third respondent to consider the same in accordance with the terms and conditions of the loan agreement.

4. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

gpa

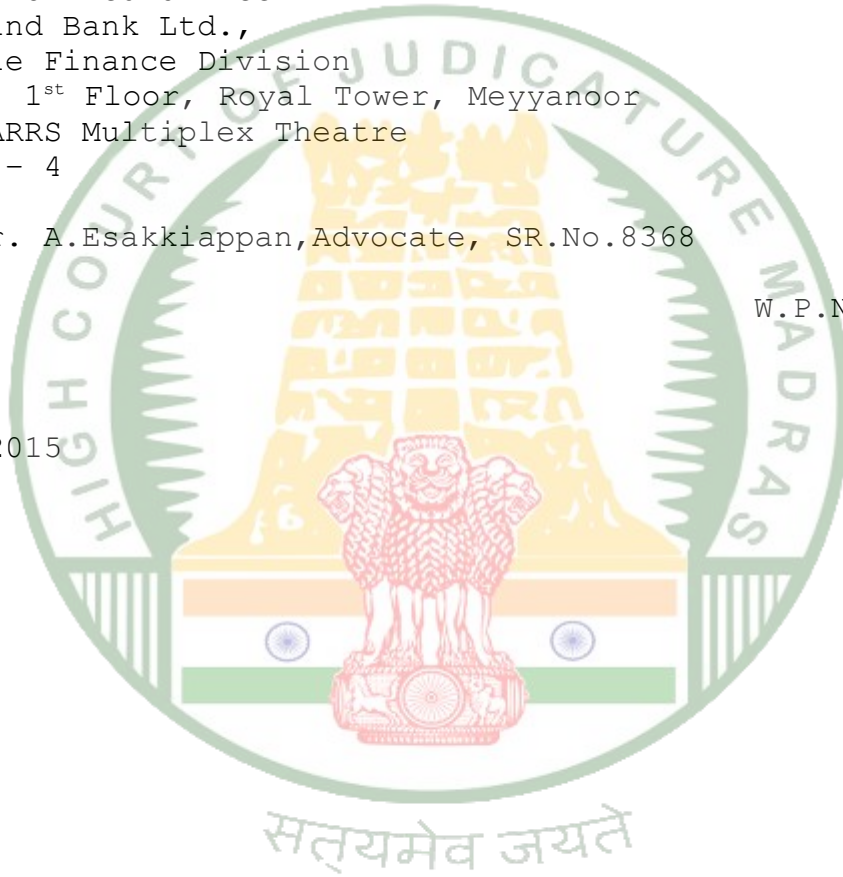
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To

1. The Secretary
Reserve Bank of India
Fort Glacis, Rajaji Salai
P.B.No.40, Chennai - 600 001
 2. The District Collector
Salem District
Salem
 3. The Authorized Officer
Indusind Bank Ltd.,
Vehicle Finance Division
184/1, 1st Floor, Royal Tower, Meyyanoor
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Salem - 4
- 1 cc to Mr. A.Esakkiappan, Advocate, SR.No.8368

W.P.No.3983 of 2015 &
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pmk.18.2.2015



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