



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.17179 of 2016
and

W.M.P. (MD) Nos.12461 and 12462 of 2016

R.Christin Johnsonraj

... Petitioner

Vs.

1.The Reserve Bank of India,
Rajaji Salai,
Chennai - 600 001.

2.M/s.Cholamandalam Investment Finance Company Limited,
Rep. by its Manager,
286/B11, First Floor,
Nagaraja Kovil Cross Street,
Opp. Professional Courier Office,
Nagercoil - 629 001.

3.M/s.Cholamandalam Investment Finance Company Limited,
Rep. by its Authorized Signatory,
286/B11, First Floor,
Nagaraja Kovil Cross Street,
Opp. Professional Courier Officer,
Nagercoil - 629 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 2 & 3 to return the Lorry bearing Registration No.TN 74 AD 2777 which was illegally repossessed by the respondents 2 & 3 to the petitioner within a time frame fixed by this Hon'ble Court.

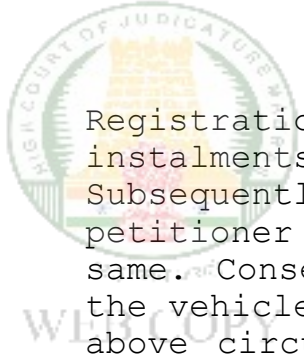
For Petitioner : Mr.B.Saravanan

O R D E R

Heard the learned counsel for the petitioner.

2. The present Writ Petition has been filed by the petitioner seeking a direction to the respondents 2 & 3 to return the Lorry bearing Registration No.TN 74 AD 2777 which was illegally repossessed by the respondents 2 & 3 to the petitioner within a time frame.

3.According to the petitioner he availed financial assistance towards purchase of heavy vehicle ie., Lorry bearing



Registration No.TN 74 AD 2777. He is regularly paying the monthly instalments and there is an outstanding of Rs.4,23,040/-. Subsequently, the third respondent issued a notice stating that the petitioner has to pay Rs.8,29,965/- and directed him to pay the same. Consequently, subsequently the second respondent also seized the vehicle on 27.08.2016 with the help of recovering agency. In the above circumstances, he filed the Writ Petition seeking return of the lorry.

4.Admittedly, the petitioner has purchased the lorry under Hire Purchase Agreement and there is a dispute between the petitioner and the financial institution regarding payment of dues. Therefore, this Court cannot go into the disputed question of facts while sitting under Article 226 of the Constitution of India and the prayer made in the petition cannot be granted.

5.In the above circumstances, the Writ Petition is dismissed with liberty to the petitioner to approach appropriate authority. No Costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

sj

To

The Reserve Bank of India,
Rajaji Salai,
Chennai - 600 001.

+1 cc to Mr. B.SARAVANAN,Advocate, Sr.No: 52071

JAM/SKS-RR/23.09.16/ 2P-3C

W.P (MD) No.17179 of 2016
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