

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.19409 of 2017 and
W.M.P.No.20930 of 2017

R.Anandan

... Petitioner

Vs.

1. D.Govindasamy
2. IndusInd Bank Limited,
652/656, Tri Star Towers,
2nd Floor,
Avinashi Road, Coimbatore - 641 032.
3. The Managing Director & CEO.,
M/s.IndusInd Bank Limited,
8th Floor, Tower 1,
One India Bulls Centre,
Jupiter Mills Compound 841, S.B. Marg,
Elphinstone Road (West),
Mumbai - 400 013.
4. Inspector of Police,
Chennimalai Police Station,
Chennimalai, Erode District.
5. Assistant Inspector,
District Crime Branch,
Erode District, Erode.
6. The Reserve Bank of India,
Central Office Building,
Shahid Bhagat Singh Marg, Mumbai - 400 001.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus forbearing the 2nd respondent from taking possession of the vehicle bearing Registration No.TN 57 BB 6242 from the petitioner by force except by following due process of law and following the guideline issued by the 6th respondent.

For Petitioner : Mr.M.Palani
For Respondents : Mr.R.Rajeswaran,
Special Government Pleader (R4 & R5)

O R D E R

Mr.R.Rajeswaran, learned Special Government Pleader takes notice for the respondents 4 & 5. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus forbearing the 2nd respondent from taking possession of the vehicle bearing Registration No.TN 57 BB 6242 from the petitioner by force except by following due process of law and following the guideline issued by the 6th respondent.

3.It is the case of the petitioner that he purchased a Maxi Cab from the 1st respondent and also paid the entire Sale Consideration to him. The vehicle was hypothecated with the 2nd respondent and when the petitioner presented the Registration Certificate for effecting transfer of ownership, the Regional Transport Officer had requested the petitioner to get NOC from the 2nd respondent Bank for cancelling the hypothecation and transferring the ownership in his favour. When the petitioner approached the 2nd respondent, the 2nd respondent informed that the NOC produced by the petitioner is a forged document and therefore, the 2nd respondent Bank had lodged a complaint with the 4th respondent. Similarly, the petitioner also lodged a complaint before the 4th respondent as against the 1st respondent.

4.When a forged NOC has been produced before the Regional Transport Officer for effecting transfer of ownership, the 2nd respondent is at liberty to proceed against the persons who had committed such an offence. Further, when the vehicle is hypothecated with the 2nd respondent, the 2nd respondent Bank is entitled to recover the outstanding amount in accordance with law. They cannot be prevented from proceeding against the borrower for recovering the outstanding amount.

5.In these circumstances, I do not find any merits in the Writ Petition and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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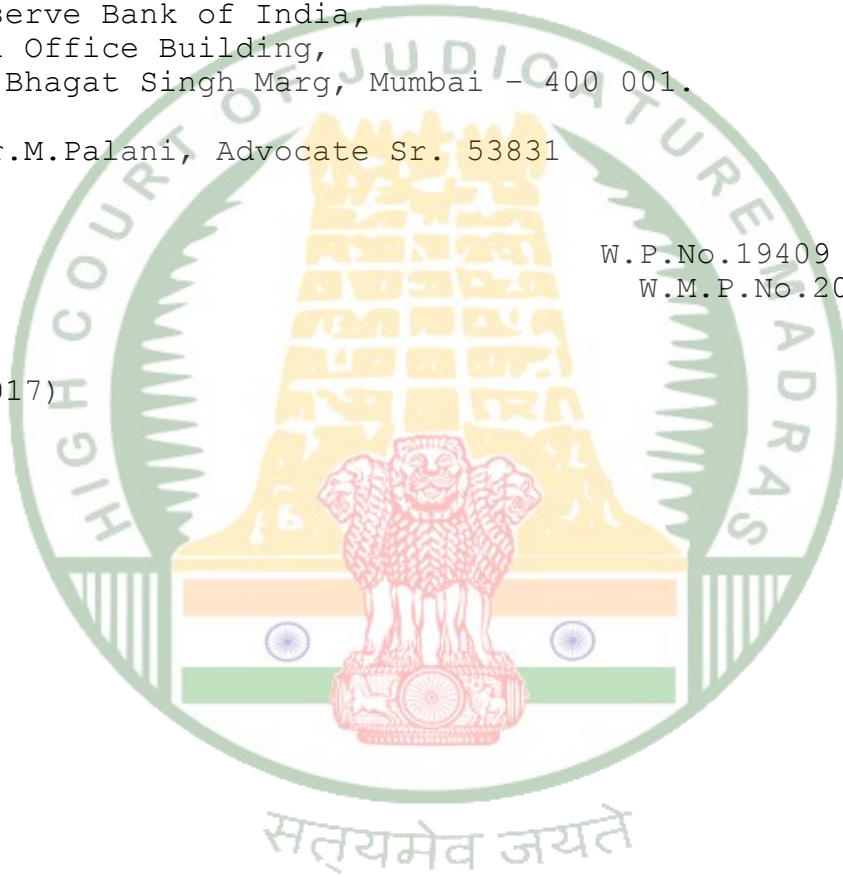
To

1. Inspector of Police,
Chennimalai Police Station,
Chennimalai, Erode District.
2. Assistant Inspector,
District Crime Branch,
Erode District, Erode.
3. The Reserve Bank of India,
Central Office Building,
Shahid Bhagat Singh Marg, Mumbai - 400 001.

+1cc to Mr.M.Palani, Advocate Sr. 53831

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NMI (CO)
VR(1/08/2017)



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