



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.10228 of 2017

G.Annalakshmi

... Petitioner

-vs-

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Deputy Superintendent of Police,
Nilakkottai Taluk, Dindigul District.
3. The Inspector of Police,
Batlagundu Police Station,
Batlagundu, Dindigul District.
4. The Manager,
HDFC Bank (Loans and Customer Services)
No.34, Nityakalyani Towers, Simmakal,
Madurai-625 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 1 to 3 herein to take appropriate action against the 4th respondent and its recovery team from in any manner harassing the petitioner on the guise of recovery of her Ford Eco Sport vehicle bearing Registration No. TN 57 AS 8569 which is hypothecated with the 4th respondent's bank by considering her complaint dated 22.05.2017 and for other reliefs.

For Petitioner : Mr.J.Lawrance

For R1 to R3 : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to direct the respondents 1 to 3 herein to take appropriate action against the 4th respondent and its recovery team from in any manner harassing the petitioner on the guise of recovery of her Ford Eco Sport vehicle bearing Registration No. TN 57 AS 8569, which is hypothecated with the 4th respondent's bank by considering her complaint dated 22.05.2017.



2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the State.

3. Admittedly, this petitioner had obtained a vehicle loan from the 4th respondent Bank and had defaulted in making payment. The 4th respondent has also initiated arbitration proceedings under the Contract. Now, the petitioner has given a representation dated 22.05.2017 to the respondent police to take suitable action against the 4th respondent and has filed the present writ petition.

4. In the considered opinion of this Court, the relief sought for by the petitioner cannot be granted in the light of the law laid down by this Court in Sugesan Transport Pvt. Ltd. represented by its Director Rajendra Sheth No.7C, Second Canal Cross Road Gandhi Nagar Adyar, Chennai 600 020 vs. The Assistant Commissioner of Police, J-2, Adyar Police Station, Adyar, Chennai 600 020 and another, reported in 2016 (2) CTC 286. It is always open to the petitioner to work out her remedies before the Arbitrator. That apart, under the Hire Purchase Agreement, the right of the Bank to seize the vehicle for the default of any payment of loan, cannot be interfered with in writ proceedings.

5. Hence, this petition is dismissed with liberty to the petitioner to work out her remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To:

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Deputy Superintendent of Police,
Nilakkottai Taluk, Dindigul District.
3. The Inspector of Police,
Batlagundu Police Station,
Batlagundu, Dindigul District.

+One cc to The Special Government Pleader, SR.No.58524

ar

RL/5C/2P/KP/SAR1/14.6.2017

W.P. (MD) No.10228 of 2017