



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2017

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THE HONOURABLE MR.JUSTICE.R.MAHADEVAN

Writ Petition(MD).No.15632 of 2017

and

W.M.P. (MD)No.12356 of 2017

R.Thangapandi

... Petitioner

Vs

1.The Superintendent of Police,
O/o. Superintendent of Police,
Theni, Theni District.

2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Aundipatty, Theni District.

3.The Sub-Inspector of Police,
K.Villaku Police Station,
K.Villaku, Theni District.

4.The Manager,
Sakthi finance Private Limited,
No.62, Dr.Nanjappa Road,
Coimbatore.

5.Lokaesh,
Branch Manager,
Sakthi Finance Private Limited,
Theni, Theni District.

6.Senthil Kumar,
Employee,
Sakthi Finance Private Limited,
Theni, Theni District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the second and third respondent to hand over vehicle Bearing No.TN 33 AD 5574 to the petitioner and consequently take appropriate action against the fifth and sixth respondent, as per the representation dated 25.07.2017.



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For petitioner :Mr.M.A.M.Raja
For R1 to R3 :Mr.S.Kumar
Additional Government pleader
For R4 & R5 :Mr.R.Sundar Srinivasan
For R-6 :No Appearance

ORDER

This writ petition has been filed seeking a direction to the second and third respondents to hand over the vehicle bearing No.TN 33 AL 5574 JCB to the petitioner and consequently take appropriate action against the fifth and sixth respondent, as per the representation dated 25.07.2017.

2. Heard the learned counsel for the parties, except R6.

3. The case of the petitioner is that he availed a loan of Rs.7,00,000/- from Sakthi Finance Limited, in which the 5th and 6th respondents are employed, for purchase of a JCB Vehicle and also handed over the RC book of the vehicle. Since he had given the RC book to the 5th and 6th respondents, he was neither able to transfer the vehicle in his name nor use the vehicle, which forced him to lodge a complaint against the 5th and 6th respondent. It is the further case of the petitioner that while so, he received a notice from the 4th respondent, either to surrender the vehicle immediately or to pay the loan. In the meantime, the 5th and 6th respondents entered into the petitioner's house illegally and threatened to seize the vehicle, pursuant to which, he lodged a complaint before the third respondent on 01.03.2017. Subsequently, the said vehicle was seized by the Revenue Authorities for illegal transportation of sand without proper permission and it was kept under the custody of third respondent by the revenue authorities. Aggrieved by the same, the petitioner preferred an appeal against the offence and though the Revenue Divisional Officer ordered to release the petitioner's vehicle, it was not released on account of the objection of the 5th respondent. It is submitted that the petitioner is also facing the arbitration case in A.C.No.4 of 2017 before the Arbitration Tribunal at Coimbatore with reference to the payment of loan amount. Aggrieved by the overall act of the respondents 5 & 6, the petitioner is before this Court seeking with the above direction.

4. A perusal of the averments made in the affidavit would reveal that there are disputed factual aspects involved in this petition and this Court in a petition filed under Article 226 of the Constitution of India cannot go into all these aspects and maintain this petition. It is for the petitioner to establish his right before the concerned authority for appropriate relief.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Hence, this writ petition is dismissed, leaving it open to the petitioner to approach the competent authorities / respondents



for suitable remedy and place all the material documents in support of his claim. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Crl.Side)

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/True Copy/

Sub Assistant Registrar.

To

1.The Superintendent of Police,
O/o. Superintendent of Police,
Theni, Theni District.

2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Aundipatty, Theni District.

3.The Sub-Inspector of Police,
K.Villaku Police Station,
K.Villaku, Theni District.

+1CC to Mr.M.A.M.Raja, Advocate, SR.No. 80181

+1CC to Mr.R.Sundar Srinivasan, Advocate, SR.No. 79785

+1CC to the Special Government Pleader SR.No.79847

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