



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM

WEB COPY

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

W.P.(MD) No.3952 of 2017

Albin Benedict

... Petitioner

-vs-

1. The Superintendent of Police,
Kanyakumari District, Nagercoil.

2. The Inspector of Police,
Arumanai Police Station,
Arumanai, Kanyakumari District.

3. The Road Transport Officer,
Marthandam, Kanyakumari District.

4. TVS Credit Services Ltd.,
Jeyalakshmi Estates,
Nungambakkam,
Chennai-06.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to direct the 2nd respondent to enquire and hand over the seized car bearing Reg.TN-22-CU-9333 with the petitioner and directing the 3rd respondent not to change the legal records of petitioner's car based on his complaints dated 18.02.2017 & 22.02.2017 and pass such further or other orders as this Hon'ble Court.

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

Reserved on	Pronounced on
09.03.2017	16.03.2017

O R D E R

This petition has been filed, seeking to direct the 1st respondent to direct the 2nd respondent to enquire and hand over the seized car bearing Reg.TN-22-CU-9333 with the petitioner and direct the 3rd respondent not to change the legal records of petitioner's car based on his complaints dated 18.02.2017 & 22.02.2017.



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

3. It is the case of the petitioner that he is the owner of a car bearing Reg.No.TN-22-CU-9333, which has been seized by the Police and therefore, he has filed the present writ petition for a direction to the Police to hand over the custody of the car to him.

4. Learned Additional Government Pleader submitted that the Control Room received a phone call on 17.02.2017 from the petitioner stating that his car bearing the aforesaid registration number was found driven by someone in Thuckalay and believing that the same is the stolen vehicle, the Police swung into action and seized the car. During the course of enquiry, it came to light that this petitioner had purchased the car after availing of car loan from TVS Credit Services Limited and since he defaulted in making payments, TVS Credit Services Limited have seized the car in accordance with law and thereafter, the car was sold in auction. In the auction, the car was purchased by the person, who was driving the car.

5. Learned counsel for the petitioner stoutly contended that the petitioner had paid all dues to the said TVS Credit Services Limited and they ought not to have seized the car.

6. It is trite that under the Hire Purchase agreement, if there is a default in repayment, the hirer has the authority to seize the vehicle and no criminal prosecution can be launched against the hirer, as it is covered by the contract.

7. In this case, the car was seized on 26.10.2015 by TVS Credit Services Limited and ultimately, it was sold on 07.09.2016. If at all the petitioner has got any remedy, he has to work out his remedy only before the Civil Court and he cannot claim the car. For having given a false complaint and caused inconvenience to the present owner of the car, the petitioner has to pay cost.

8. In the result, this petition is dismissed with cost of Rs.5,000/- (Rupees Five Thousand only) payable by the petitioner to the new owner of the car within two weeks from today and the Police are directed to immediately return the car to the person, from whom, they seized the car.

Sd/-

Assistant Registrar[A.S]

/True copy/



To:

1. The Superintendent of Police,
Kanyakumari District, Nagercoil.
2. The Inspector of Police,
Arumanai Police Station,
Arumanai, Kanyakumari District.
3. The Road Transport Officer,
Marthandam, Kanyakumari District.

+1cc to M/S.B.Chermurugan, Advocate, SR.15656

W.P. (MD) No.3952 of 2017
16.03.2017

KK-SV-MMS-SAR3-16.03.2017-3P-5C