



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2017**

CORAM :

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition (MD) No.5170 of 2017

WEB COPY

R.S.Auto Consultants

Represented by its

Prop.R.Selvaraj

... Petitioner

Vs.

01.The Superintendent of Police,
Madurai District, Madurai.

02.The Deputy Superintendent of Police,
Samanallur, Madurai.

03.The Inspector of Police,
Alanganallur Police Station, Madurai.

04.The Manager,
Tamilnadu Merchantile Bank,
D.No.2-4, 1st Floor, Lucky Nagar,
Athalai Road Kalapappakudi village,
Chickkandarchavadi,
Madurai.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 17.03.2017 for take appropriate action against the 2nd respondent for harassing the petitioner to hand over his custody of the vehicles to the 4th respondent and not to interfere the civil proceedings.

For Petitioner : Mrs.A.Banumathy

For R1 to R3 : Mr.T.S.Mohamed Mohideen
Additional Government Pleader

For R4 : Mr.Dilip Kumar

O R D E R

The Writ Petition has been filed seeking issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 17.03.2017 and to take appropriate action against the 2nd respondent for harassing the petitioner and to hand over his custody of the vehicles to the 4th respondent and not to interfere the civil proceedings.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Standing counsel appearing for the fourth respondent bank.

3. Admittedly, the petitioner has taken 10 loans in the name of his close relatives from the fourth respondent bank on which 7 are vehicle loans(15 vehicles), 2 are Working Capital Loan and 1 is Cash Credit Loan and that he has defaulted to the tune of Rs. 2 Crores. Therefore, the fourth respondent is taking lawful steps for recovering the loan by seizing the vehicles under hire purchase agreement. At this juncture, the petitioner has come with this petition seeking a direction to the police not to harass.

4. The learned Additional Government Pleader submitted that on the complaint given by the fourth respondent bank to the Superintendent of Police, the second respondent police conducted an enquiry and closed the complaint on the basis of an undertaking given by the petitioner that he will re-pay the loan to the fourth respondent bank.

5. Be that as it may, it is open to the fourth respondent bank to work out remedy in the manner known to law by seizing the vehicles or otherwise. The police should also not harass the petitioner unnecessarily.

6. With the above direction, this petition is closed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

01.The Superintendent of Police, Madurai District, Madurai.

02.The Deputy Superintendent of Police, Samanallur, Madurai.

03.The Inspector of Police, Alanganallur Police Station, Madurai.

04.The Manager, Tamilnadu Merchantile Bank, D.No.2-4, 1st Floor,
Lucky Nagar, Athalai Road Kalapappakudi village,
Chickkandarchavadi, Madurai.

+1 CC TO M/S.A.BANUMATHY ,ADVOCATE,SR NO.17734

+1 CC TO MR.N.DILIP KUMAR,ADVOCATE,SR NO.17938

+1 CC TO SPECIAL GOVERNMENT PLEADER ,SR NO.18115

cm

MAS/SV-MMS/SAR2:07.04.2017:2P-8C