



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A(MD) .No.314 of 2016 and WMP.(MD)Nos.1867 and 1868 of 2016

and

W.P(MD)No.3225 of 2016

K.Gandhi

... Appellant /Writ petitioner

Vs

1.The Superintendent of Police,
Ramanthapuram District.

2.The Branch Head,
Tamil Nadu Merchantile Bank Ltd,
Sayalkudi Branch,
10/288 A Kanyakumari Road,
Sayalkudi.
Ramanathapuram District.

3.The District Manager,
Tamil Nadu Adhi Dravidar Housing &
Development Corporation (TAHDCO),
Ramanathapuram

4.The Inspector of Police,
Kovilangulam Police Station,
Kovilangulam,
Ramanathapuram District.

...Respondents /Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patents Act, against the order dated 15.02.2016 in W.P.(MD) No.3225 of 2016.

Prayer in WP(MD) . 3225/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to take action against the 2nd and 3rd respondents to return the vehicle bearing Regn. No. TN 65 W 5779 which was seized illegally from the petitioner.



For Appellants : A.Rajini

For Respondents : Mr.M.V.Muruganantham

Additional Government Pleader for R 1,3 & 4
: Mr.N.Dhilipkumar For R2

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JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard the learned counsel for the appellant and learned standing counsel for the bank/second respondent and the Additional Government Pleader for respondent Nos. 1,3 and 4 respondent. With the consent of all the parties the Writ Appeal itself is taken for disposal.

2.The appellant/writ petitioner availed a loan from the second respondent for purchasing Tourister Van and committed default in repayment as a result of which the respondent bank repossesses the vehicle. Alleging that the repossession was illegal and subsidy was not granted, the writ petitioner filed the said writ petition.

3.The learned single Judge considering the fact that the petitioner is a single vehicle operator and taking note of the circumstances, granted an interim stay subject to the condition that the petitioner should pay Rs. 2,50,000/- to the second respondent bank. However, the appellant did not pay the same and filed the present writ appeal.

4.After hearing the learned counsel for the parties and taking note of the fact that the appellant is a small time operator who had been ekeing out his livelihood by virtue of his tourist vehicle, we propose to issue certain directions by which the appellant shall establish his bonofides and then the second respondent may show indulgence to him.

5.Thus, we dispose of the writ Appeal and writ Petition by directing the appellant/ writ petitioner to pay a sum of Rs.75,000/- within a period of three weeks from the date of receipt of copy of this order. If the said condition is complied with, the second respondent bank shall release the vehicle to the appellant and also reschedule the loan and give opportunity to repay. If the appellant fails to fulfil the said condition, the benefit of this order will not enure to the appellant and the matter shall stand automatically dismissed, giving liberty to the respondent to proceed in accordance with law. No Costs
Consequently, connection Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)



To

1.The Superintendent of Police,
Ramanthapuram District.

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Kovilangulam Police Station,
Kovilangulam,
Ramanathapuram District.

+1cc to Mr.N.DILIP KUMAR Advocate in SR. No.61370

+1cc to Mr.A.RAJINI Advocate in SR. No.61249

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.60975

DSK

JS/MR.KKR/SAR.4/7.8.2017/3P-8C

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and
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