

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.10.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 5539 of 2018

M/s.Equitas Small Finance Bank Limited,
formerly known as
M/s.Equitas Finance Private Limited,
rep. by its Authorised Representative
G.Anbalagan, Chennai.

... Petitioner

Vs

1. The Tahsildar,
O/o. The Tahsildar,
Sriperumbudur,
Kancheepuram.
2. Mr.Prabhu,
S/o. Loganathan,
92/59, 2nd Street,
Thiruvalluvarpuram,
Choolaimedu,
Chennai-600034,
Tamilnadu.
3. Mrs.Manjula,
W/o. Prabhu,
92/59, 2nd Street,
Thiruvalluvarpuram,
Choolaimedu,
Chennai-600034.
Tamilnadu.
4. The Inspector of Police,
Sriperumpudur Police Station,
Sriperumpudur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, orders or Directions and in particular issue a Writ of MANDAMUS directing the first and fourth respondents herein to release the said vehicle TN 20 BK 1602 to the petitioner or his agents as expeditiously as possible.

For Petitioner : Mr.P.Veeramamalai

For Respondents : Mrs.K.Bhuvaneswari,
Addl. Government Pleader
for R1

O R D E R

This writ petition has been filed seeking a direction to the first and fourth respondents to release the vehicle bearing Regn. No.TN 20 BK 1602.

2. The case of the petitioner is that, the petitioner is carrying on business of banking under the provisions of Companies Act, 1956. Earlier, the 2nd respondent has availed finance facility for purchase of the vehicle bearing Engine No.497TC92JYY851398 and Chassis No.MAT453554B7J40343 in the year 2012, and they have also executed a loan agreement and availed finance facility to the tune of Rs.9 lakhs on 29.10.2012. The 3rd respondent stood as a guarantor of the 2nd respondent. Thereafter, the borrower failed to pay the instalments, and committed default. Hence, the petitioner has initiated arbitration proceedings, and the Arbitrator has ordered for seizure of the vehicle on 27.01.2016. In order to execute the award, the petitioner tried to trace the vehicle, and he has also filed a petition for civil arrest against the 2nd and 3rd respondents. That being the position, the petitioner came to know that the vehicle, for which the petitioner has advanced finance facility has been seized by the 4th respondent Police and the case has been registered under Sec.102 of CrI.P.C. in Crime No.628 of 2017, and the status of the vehicle is stated as "Abandoned". In view of the same, the petitioner had approached the 4th respondent and filed necessary application for releasing the vehicle of the petitioner, but the vehicle was not released. Hence, the present Writ Petition has been filed by the petitioner.

3. Earlier, notice was ordered to all the respondents. The notice could not be served on the 2nd and 3rd respondents on the ground that the parties left the last known place.

4. The learned counsel appearing for the 4th respondent has filed a report stating that vehicle bearing No.TN-20 BK-1692, Engine No. 497TC92JYY851398 and Chassis No. MAT453554B7J40343 has been seized by the Regional Transport Officer on the ground that the vehicle is not possessing necessary documents, and handed over to the 4th respondent police, and the vehicle has been kept in the custody of the police.

5. I have considered the rival submissions and perused the materials available on record.

6. Considering the submissions of the petitioner that they have already obtained an order from the Arbitrator for seizure of the vehicle, and claiming right over the vehicle, the petitioner is directed to approach the 4th respondent and produce all necessary documents to establish his right over the vehicle.

On considering the documents, if the petitioner establish his right over the vehicle, the 4th respondent is directed to release the vehicle to the petitioner. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Tahsildar,
O/o. The Tahsildar,
Sriperumbudur,
Kancheepuram.
2. The Inspector of Police,
Sriperumpudur Police Station,
Sriperumpudur.

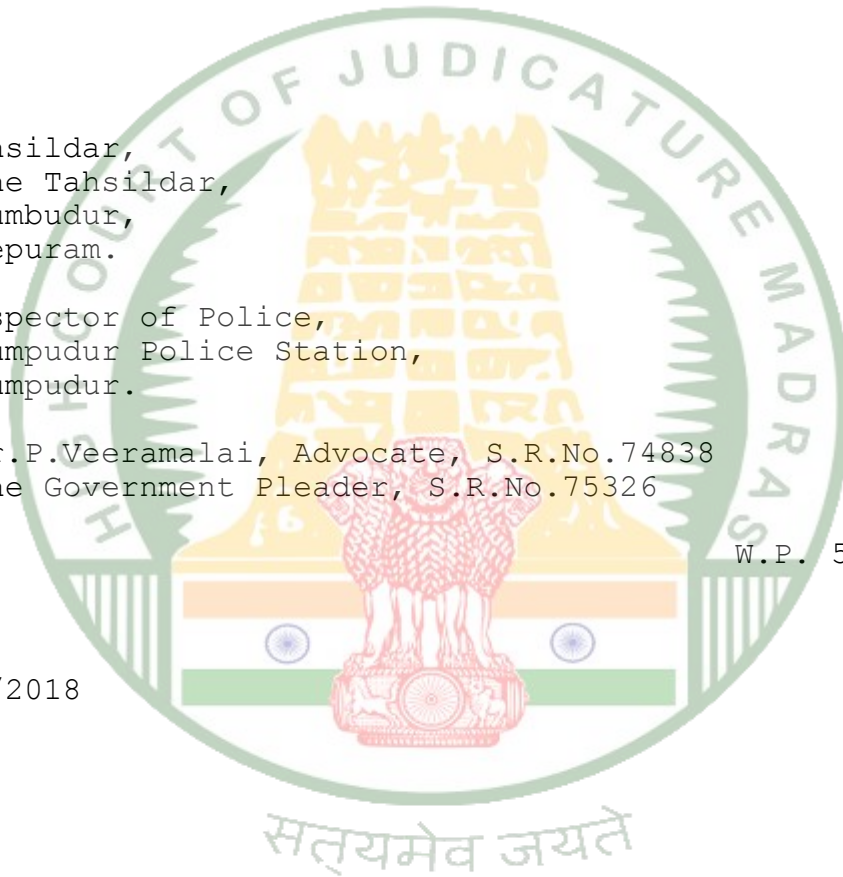
+1cc to Mr.P.Veeramalai, Advocate, S.R.No.74838

+1cc to the Government Pleader, S.R.No.75326

W.P. 5539 of 2018

GP (CO)

rrs 26/11/2018



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