

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3858 of 2017

K.Menaka

... Petitioner

..Vs..

1.The Manager,  
State Bank of India,  
Alwarpet Branch,  
Chennai.

2.The General Manager,  
State Bank of India,  
Local Head Office,  
Circle top House,  
No.16, College Lane,  
Chennai - 600 006.

3.The Banking Ombudsman,  
Reserve Bank of India,  
Fort Glacis,  
Chennai - 600 001.

.... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ or Direction, specifically writ in the nature of Writ of Mandamus directing the first and second respondents to release his vehicle namely, Toyota Etios Car bearing Regn. No. TN 07 BR 8699 forthwith along with compensation of Rs.5,00,000/-.

For Petitioner : Mr.R.Arun Dattan

For Respondents : Mr.R.K.Chandrasekaran

O R D E R

The relief sought for in this writ petition is for a direction to direct the first and second respondents to release the petitioner's vehicle namely Toyota Etios Car bearing Regn. No. TN 07 BR 8699 forthwith along with compensation of Rs.5,00,000/-.

2. Admittedly, the writ petitioner purchased a Car for her personal usage by obtaining Car Loan from the respondent State Bank of India. On account of certain personal reasons, the petitioner was unable to repay the loan amount.

3. The learned counsel appearing for the petitioner states that on account of flood, the petitioner was not in a position to pay the monthly dues. Subsequently, the respondents have taken action for recovery of loan amount and they have ceased her vehicle for recovery of dues and the vehicle was sold by way of a public auction. Therefore, the relief as such sought for to release the vehicle belong to the writ petitioner does not arise at all.

4. The learned counsel appearing for the petitioner states that the vehicle belongs to her was sold over and above the loan dues and the respondents have not repaid the balance amount along with interest.

5. The learned counsel appearing for the Bank states that if any balance is available with the bank, the same will be reimbursed along with the permissible interest and after deducting the commission charges as per the Rules in force. Thus, the respondents have to take steps to repay the balance amount to the writ petitioner along with the interest after deducting the amount due as well as the commission charges.

6. Accordingly, the respondents are directed to settle the loan account of the writ petitioner by returning the balance amount along with the interest if any within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition stands disposed of with the above observations. No costs.

Sd/--

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sk

To

1.The Manager,  
State Bank of India,  
Alwarpet Branch,  
Chennai.

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State Bank of India,  
Local Head Office,  
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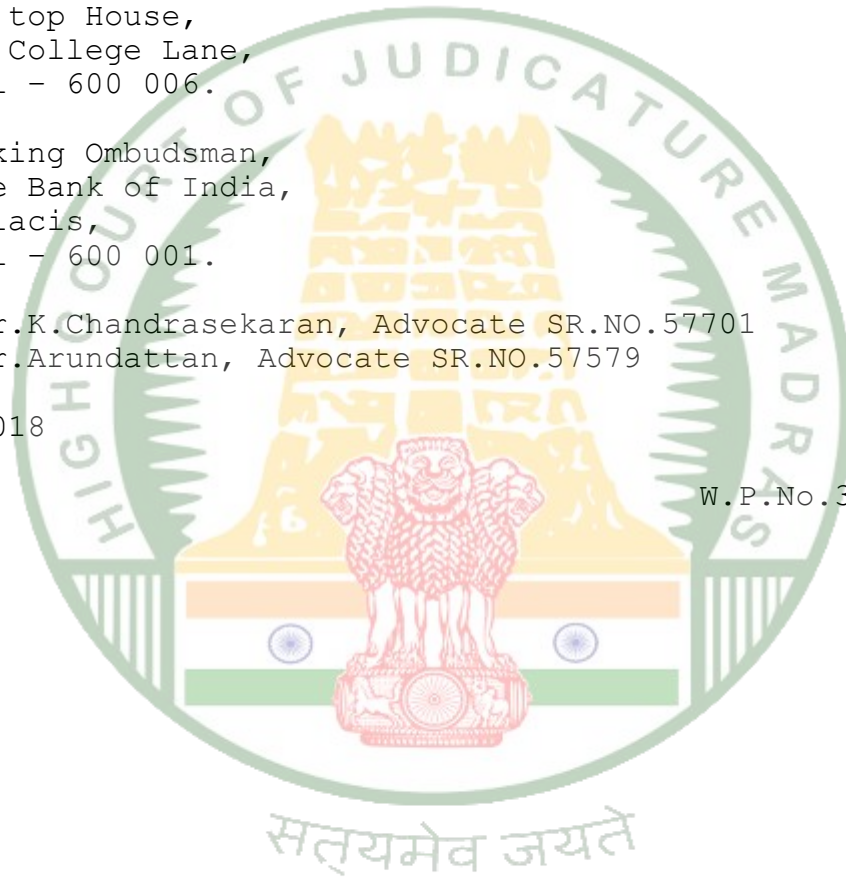
3.The Banking Ombudsman,  
Reserve Bank of India,  
Fort Glacis,  
Chennai - 600 001.

+1cc to Mr.K.Chandrasekaran, Advocate SR.NO.57701

+1cc to Mr.Arundattan, Advocate SR.NO.57579

sm:12.9.2018

W.P.No.3858 of 2017



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