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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.682 OF 2018

and

C.M.P(MD)No.3881 of 2018

Nirai Pandian

:Appellant/Petitioner

.vs.

1. The Regional Director,
Reserve Bank of India,
Rajaji Road,
Chennai-1.

2. The District Collector,
Virudhunagar District,
Virudhunagar.

3. The Sriram Transport Financial Corporation,
represented by its Authorized Signatory,
30-B, Muslim Middle Street,
Sivakasi,
Virudhunagar District- 626 123. : Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.969 of 2018, dated 13.02.2018.

Prayer in WP(MD). 969/ 2018 :

Writ Petition is filed under Article 226 of the Constitution
of India, praying this Court To issue a Writ of Mandamus directing
the 1st and 2nd Respondents to take necessary action against the
3rd Respondent for collection of exorbitant interest from the
petitioner in violation of guidelines issued by the 1st
Respondent.

For Appellant :Mr.B.Vijay Karthikeyan
for Mr.SP.Vijaynivas

JUDGEMENT

[Judgement of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is filed challenging the order of the learned
Single Judge in dismissing the Writ Petition filed by the
appellant herein.



2.The appellant sought a Writ of Mandamus directing the respondents 1 and 2 to take necessary action against the third respondent for collection of exorbitant interest from the appellant in violation of the guidelines issued by the first respondent.

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3.The learned Single Judge after pointing out that the appellant being a purchaser of the vehicle with financial assistance from the third respondent and that the third respondent has seized the vehicle for non-payment of dues, dismissed the Writ Petition by observing that it is only a civil dispute between the parties namely, the Petitioner and the third respondent, for which, the Petitioner cannot invoke the jurisdiction under Article 226 of the Constitution of India.

4.Heard the learned counsel for the appellant/Petitioner and perused the materials placed before us.

5.Admittedly, the appellant has purchased the vehicle under hypothecation agreement entered into with the third respondent/Financier. It is also not in dispute that the vehicle was seized by the third respondent on an allegation that the appellant did not pay the dues. Now the Petitioner has approached this Court and filed the Writ Petition seeking for action against the third respondent alleging that they collected exorbitant interest from the petitioner in violation of the guidelines issued by the first respondent. Needless to say that merely based on such allegations, a Writ of Mandamus cannot be issued, more particularly, when there is no categorical finding rendered by the competent forum of Law to the effect that the third respondent is collecting or has collected exorbitant interest from the Writ Petitioner. Therefore, when the Writ Petitioner makes some allegations with regard to the collection of interest by the third respondent, which according to him is exorbitant, it is for him to work out his remedy by filing appropriate civil suit, if the collection of interest is beyond the scope of the terms of the agreement entered into between the Petitioner/appellant and the third respondent.

6.When such being the course of action to be adopted, filing of Writ Petition, as has done in this case, cannot be appreciated as a proper approach. We find that the learned Single Judge has rightly dismissed the Writ Petition as not maintainable. Accordingly, the Writ Appeal deserves no merit and the same stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(AD-II)



To

1. The Regional Director,
Reserve Bank of India,
Rajaji Road, Chennai-1.

2. The District Collector,
Virudhunagar District,
Virudhunagar.

+1cc to Mr.SP.Vijaynivas, Advocate Sr.No.63412

VSN

VB/SV/MMS/SAR2/17/05/2018/3P/4C

**JUDGEMENT MADE IN
W.A (MD) NO. 682 OF 2018
and
C.M.P (MD) No. 3881 of 2018
25.04.2018**