



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.2020 and 2021 of 2018
and
W.M.P. (MD)Nos.2243 and 2244 of 2018

G.Sivarajan ... Petitioner in both W.Ps.

Vs.

1.The Commissioner of Police,
Trichy City,
Trichy. ... Respondent in both W.Ps.

2.The Inspector of Police,
Thillainagar Police Station,
Trichy.

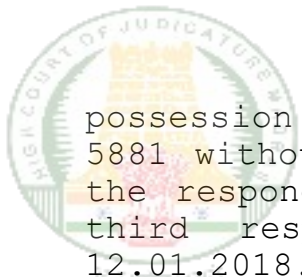
3.The Chola Finance Co. Ltd.,
11th Cross, Thillai Nagar,
Trichy. ... Respondents in W.P.(MD)No.2020 of 2018

2.The Inspector of Police,
Cantonment Police Station,
Trichy.

3.The State Bank of India,
Main Branch,
Trichy. ... 2nd and 3rd Respondents in W.P.(MD)No.2021 of 2018

Prayer in W.P.(MD)No.2020 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents 1 and 2 from allowing the respondent No.3 in any manner interfering with the peaceful possession and enjoyment of the Motor Vehicle bearing No.TN 45 BH 7376 without following due process of law and consequently, direct the respondents 1 and 2 to take representation action against the third respondent on the basis of any representation dated 12.01.2018.

Prayer in W.P.(MD)No.2021 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents 1 and 2 from allowing the respondent No.3 in any manner interfering with the peaceful



possession and enjoyment of the Motor Vehicle bearing No.TN 45 BT 5881 without following due process of law and consequently, direct the respondents 1 and 2 to take representation action against the third respondent on the basis of any representation dated 12.01.2018.

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For Petitioner
(in both W.Ps)

: Mr.C.Jeganathan
for M/s.Veera Associates

For R1, R2 & R1 & R2

: Mr.N.Nagendiran
Special Government Pleader
in both Cases

For R3 & R3

: Mr.D.Malaichamy
in both Cases

COMMON ORDER

The petitioner had purchased the petition mentioned trucks by availing loans. The petitioner had faced some commercial difficulties. He was not able to service the loan account properly. His apprehension is that the lender institutions may resort to coercive process and illegal methods to seize the vehicles in question. Therefore, he filed these two writ petitions.

2.When the matter was taken up for hearing, the petitioner's counsel was not in a position to make statement regarding the current state of affairs. The counsel is unable to get in touch with the writ petitioner. Therefore, these writ petitions are closed with liberty to the petitioner to approach this Court again, if the occasion arises. It is made clear that this Court has not gone into the merits of the writ petitions. The learned counsel appearing for the Chola Finance Corporation Limited-R3 in W.P(MD) No.2020 of 2018, contended that the writ petition itself is not maintainable and that the prayer has been peculiarly worded. He challenged the very maintainability of the writ petition. I do not propose to go into the maintainability issue, since I am closing the main writ petition. If the petitioner approaches this Court again, all the issues can be canvassed by either party.

3.With these observations and liberty, these writ petitions stand closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of Police,
Thillainagar Police Station,
Trichy.

3.The Inspector of Police,
Cantonment Police Station,
Trichy.

+1 CC to M/s.D. MALAI CHAMY, Advocate SR-82641.

+1 CC to M/s.VEERAASSOCIATES, Advocate SR-82919.

**W.P. (MD) Nos.2020 and 2021 of 2018
and
W.M.P. (MD) Nos.2243 and 2244 of 2018**

20.08.2019

CS(14.10.2019) 3P 6C