

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.18127 of 2013

and M.P.No.1 of 2013

and M.P.No.1 of 2015

V.Raja

...Petitioner

-vs-

1. The General Manager,
Reserve Bank of India,
Kamarajar Salai, Chennai.
2. The Manager,
Shri Ram Transport Finance Company Ltd.,
Sri Alagar Plaza, 1st Floor, GST Road,
Tirunvagar, Madurai - 6. ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the 1st respondent to issue necessary direction to the 2nd respondent to adopt the legal method in taking action for taking the vehicle bearing Registration No. TN-59 AH-5602 from the petitioner custody and possession based on petitioner representation made to the 1st respondent on 10.5.2013.

For Petitioner : Mr.M.Sarfudeen Aliahamed
For Respondent-2 : Mr.K.S.Ramakrishnan

ORDER

This Writ Petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. The petitioner has sought for a direction to the second respondent to adopt the legal method in taking action for taking the vehicle bearing Registration No.TN-59 AH-5602 from petitioner's custody and possession, based on petitioner's representation made to the first respondent on 10.5.2013.

3. Admittedly, the petitioner has entered into a Hire Purchase Agreement with the second respondent for purchase of the vehicle and R.C.Book and permit book were hypothecated with second respondent. The hire purchase

installments were not paid regularly and the petitioner had defaulted in making payments and even today, the learned counsel appearing for the petitioner admits that there is arrears of installments to be paid.

4. As the second respondent is a Private Company and there is a default in making payments, it is open to them to take action as per the Hire Purchase Agreement. It is also stated that the vehicle is available only with the petitioner and it has not been recovered by the second respondent. As the dispute is between two private individuals, invoking the jurisdiction of this court under Article 226 of the Constitution of India, is not maintainable. Therefore, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

asr/srn
To

1. The General Manager,
Reserve Bank of India,
Kamarajar Salai, Chennai.

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A.SK (09/11/2020)

सत्यमेव जयते

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