

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.33820 of 2019

A.Valli

.. Petitioner

..Vs..

- 1.The Director General of Police,
Director General of Police,
Chennai.
- 2.The Deputy Inspector General of Police,
Salem Range,
Salem.
- 3.The Superintendent of Police,
District Police Office,
Dharmapuri.
- 4.The Deputy Superintendent of Police,
District DSP Camp Office,
Dharmapuri-636 701.
- 5.Inspector of Police,
B1 Police Station,
Dharmapuri.
- 6.Sriram Transport Financial Co., Ltd.,
No.7/20, First floor, सत्यमेव जयते
Mel Batchapettai,
Upstairs SBI Bank, Harur,
Dharmapuri-636 903.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 5 to recover the petitioner lorry bearing No.TN 52 J 1548 from the sixth respondent and hand over the same to the petitioner based on the representation dated 15.10.2019.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1 to R5
: Mr.K.V.Sridharan for R6

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to recover the petitioner lorry bearing No.TN 52 J 1548 from the sixth respondent and hand over the same to the petitioner based on the representation dated 15.10.2019.

2.In the affidavit filed in support of the writ petition, it is stated that the petitioner's husband namely Aachudhan has been doing business with the lorry bearing Registration No.TN 52 J 1548. The above said lorry was purchased for a sum of Rs.21,17,000/-. It is stated that the petitioner's husband had applied for a loan from Sriram financial institution in the month of November 2017. On 05.09.2019, four unauthorized person, who were working in the above said Sri Ram financial institution by using filthy words had assaulted the petitioner and her husband and demanded the petitioner to hand over the registration certificate of the said lorry and also to repay the loan amount. On 06.09.2019, the petitioner's husband gave a statement regarding the illegal detention of the above said lorry bearing registration No.TN 52 J 1548.

3.The learned counsel for the petitioner submitted that the Sriram financial institution has not sanctioned any loan amount in favour of the petitioner. Therefore, the petitioner lodged a complaint before the fifth respondent but, till date no action has been taken.

4.The learned Additional Public Prosecutor appearing for the respondents 1 to 5 submitted that the petitioner defaulted to pay his installments, due to which the sixth respondent seized the lorry.

5.Considering the facts and circumstances of this case, this Court cannot give any direction to the respondents 1 to 5 to recover the lorry to the petitioner and all these disputes are Civil in nature, therefore, the petitioner may approach the appropriate forum and seek proper relief.

Accordingly, the writ petition is dismissed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director General of Police,
Director General of Police,
Chennai.
- 2.The Deputy Inspector General of Police,
Salem Range,
Salem.
- 3.The Superintendent of Police,
District Police Office,
Dharmapuri.
- 4.The Deputy Superintendent of Police,
District DSP Camp Office,
Dharmapuri-636 701.
- 5.Inspector of Police,
B1 Police Station,
Dharmapuri.
- 6.The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to Mr.I.Abrar MD Abdullah, Advocate, Sr.No.21007
+1cc to Mr.K.V.Sridharan, Advocate, Sr.No.21819

W.P.No.33820 of 2019

NR(CO)
GS(08/06/2020)