



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3020 of 2020

R.Anitha

Petitioner

Vs.

1. The Inspector of Police,
Batlagundu Police Station,
Batlagundu,
Dindigul District.

2. The Branch Manager,
HDFC Bank,
No.34, Sri Nithyakalyani Tower,
3rd Floor, North Veli Street,
Madurai - 625 001.

Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to return the vehicle or pass such other orders as this Court may deem fit.

For Petitioner : M/s.R.Sevugaraja
For Respondents : For R1 - Mrs.S.Srimathi
Special Government Pleader

For R2 - Ms.A.Banumathi

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the second respondent Bank.

2. This Court made it clear that the Writ Petition is not maintainable. No relief can be granted against the second respondent bank, because it is not a nationalized bank.

3. The case on hand involves the custody of the TATA ACE vehicle bearing Reg.No.TN 57 BX 9977. The vehicle stood in the name of the petitioner's husband one Ramachandran. It is stated that the said vehicle was purchased on hypothecation of the second respondent bank. Subsequently, the petitioner's husband died. The petitioner alleges that the second respondent had unlawfully taken the possession of the vehicle.

4. Since the Writ Petition itself is not maintainable, I do not want to go into the rival contentions. Consensus has been arrived at between the petitioner and the second respondent. The second respondent through his standing counsel states that the vehicle is still in the custody of the second respondent. The second



respondent is ready to hand over the vehicle to the petitioner subject to the payment of a sum of Rs.60,000/- by the petitioner. This amount represents three dues alone. According to the second respondent, the petitioner is in arrears from January 2020.

5. Recording the submission of the learned counsel for the second respondent, the vehicle in question will be handed over to the petitioner upon payment of Rs.60,000/- by the petitioner, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Inspector of Police,
Batlagundu Police Station,
Batlagundu,
Dindigul District.

+1 CC to M/s.GP (SR-13579[F] dated 04/08/2020)

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SMA/04/08/2020/2P/3C