



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED:17.02.2020**

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**W.P (MD)No.27393 of 2019**

N.Selvapandian

.. Petitioner

Vs.

The Branch Manager,  
Sriram City Union Finance Ltd.,  
1<sup>st</sup> Floor (City Union Bank Upstairs),  
Tamilsangam Road, Madurai

.. Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondent to release the TATA Tiago car bearing Registration No.TN59-BL1200 under the custody of the respondent consequent to the illegal seizure of the said vehicle on 19.11.2019 by the respondent without following the due process of law, within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi  
For Respondent : Mr.J.Barathan

**ORDER**

The writ petitioner has sought for a mandamus directing the respondent to release the TATA Tiago car bearing Registration No.TN59-BL1200 under the custody of the respondent consequent to the illegal seizure of the said vehicle on 19.11.2019 by the respondent within a time frame as fixed by this Court.

2. The vehicle has been seized for default in payment of loan given by the respondent, vide, loan-cum-hypothecation agreement dated 17.09.2016. The said loan-cum-hypothecation agreement provides an arbitral clause that in the event of any dispute, difference or claims arising out of or in connection with this agreement or its performance, shall be settled by Arbitration. Therefore, the petitioner cannot invoke Article 226 of the Constitution of India for release of the said vehicle, without resorting to the mode as agreed between them in the agreement.

3. In view of the above, the writ petition stands dismissed as not maintainable. No Costs.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

+1 CC to M/s.T.R.JEYAPALAM, Advocate ( SR-6874[F] dated 18/02/2020  
+1 CC to M/s.B.PRAHALAD RAVI, Advocate ( SR-7197[F] dated 19/02/2020

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**SMA/27/02/2020/1P/3C**

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