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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

C O R A M

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.3520 OF 2018

R.Devi

... Petitioner

.Vs.

HDFC Bank Ltd.,
Rep by the Manager,
Salem Branch
No.6, 2nd Floor, Raj Bhavan
Brindavan Road, Fairlands,
Salem - 636 016.

... Respondent

PRAYER:-

Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, directing the respondent not to dispose the commercial vehicle bearing Registration No.TN 46 P 0526 (Engine No:21J63292096) (Chassis No:MAT466388C2JCZJ22572) without due process of law.

For Petitioner : Mr.K.N.Nataraj

For Respondent : Mr.C.Mohan

ORDER

This Writ Petition has been filed, for the issuance of Writ of Mandamus, directing the respondent not to dispose the commercial vehicle bearing Registration No.TN 46 P 0526 (Engine No:21J63292096) (Chassis No:MAT466388C2JCZJ22572) without due process of law.

2. It is the case of the petitioner that, without following due process of law the respondent attempted to seize the vehicle.

3. The learned counsel appearing for the respondent submitted that the respondent is the private Bank, therefore, the Writ Petition will not lie against the respondent. In this



regard, the learned counsel referred the judgment of this Court made in W.P.No.8804 of 2017 dated 26.07.2016

4. The relevant portion of the order passed by this Court in W.P.No.8804 of 2017 dated 26.07.2016, is extracted hereunder:

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"8.In view of the averments made in the affidavit filed in support of the writ petition and in view of the submissions made by the learned counsel appearing on behalf of the respondents 4 and 6 and in view of the decisions cited supra, this Court is of the considered view that the present writ petition, filed by the petitioner, is not maintainable. The respondent Bank, being a private entity, does not fall under the definition of "the State", under Article 12 of the Constitution of India. The decision of the Supreme Court in 'Federal Bank Ltd. v. Sagar Thomas lends support to the said proposition. Further, a contract, entered into between the petitioner and the respondent Bank, cannot be enforced, amended or modified, by the directions issued by this Court, under Article 226 of the Constitution of India. In such circumstances, this Court is of the considered view that the writ petition is not maintainable. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed."

5. In view of the above settled proposition of law, this Court is of the view that the Writ Petition will not against the respondent. Hence, this Writ Petition is dismissed. No Costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

+1cc to M/s.King and Partridge, Advocate, S.R.No.65960

W.P.NO.3520 OF 2018

AD(CO)
PBS/29/12/2021