



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2021

Coram

The Honourable Mr. Justice V. PARTHIBAN

W.P.No.11612 of 2021 and
W.M.P.No.12362 of 2021

Dr.S.Vignesh Kumar

...Petitioner

Versus

1. Reserve Bank of India,
Fort Glacis,
No.16, Rajaji Salai,
Chennai - 600 001.
2. The Commissioner of Police,
Coimbatore City, Coimbatore.
3. The State by Inspector of Police,
Singanallur Police Station,
Singanallur, Coimbatore.
4. Yes Bank Limited,
Rep. by its Manager,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

...Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the fourth respondent to regularize and continue with the vehicle loan that was recalled and to handover the possession of the VOLVO Car bearing Registration No.TN 99 S 0060 dated 15.04.2019 to the petitioner.

For Petitioner : Ms.V.Geetha Rani

O R D E R

This petition has been filed to direct the fourth respondent to regularize and continue with the vehicle loan that was recalled and to handover the possession of the VOLVO Car bearing Registration No.TN 99 S 0060 dated 15.04.2019 to the petitioner.



2. The case of the petitioner herein is that he has taken a loan from the fourth respondent Bank for purchase of a luxurious car worth about Rs.48,00,000/- on 11.04.2019. According to him, he had been paying an equated monthly installment of Rs.67,085/- per month, regularly. However, there appears to be some default in the monthly payments and the fourth respondent initiated action for recovery of the vehicle and initiated action for the sale of the car which was pledged with the Bank.

3. According to the petitioner, the fourth respondent has adopted an illegal method in the seizure of the car and also the subsequent sale without following the RBI Rules. Therefore, the petitioner is before this Court seeking direction to the fourth respondent to return the possession of the car.

4. From the above factual narrative, it is clear that it is a matter of loan transaction between the petitioner and the fourth respondent Bank and the transaction is governed by the agreement entered into between the parties. Therefore, a private dispute of the present nature, cannot be brought within the realm of public law remedy under Article 226 of the Constitution of India. In the matters like this, this Court cannot issue any writ as against the private Bank and also this Court's extraordinary constitutional jurisdiction cannot be invoked for enforcing a private dispute. In a contractual matter like the present one, the proper course for the petitioner is elsewhere and not a public law remedy. The doors of this Court exercising its constitutional jurisdiction are not open for enforcing the private dispute and in any event, the prayer as contained in the writ petition is absolutely misconceived and cannot be granted at all by this Court.

5. For the above said reasons, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

gsk/mrr
To

1.The Reserve Bank of India,
Fort Glacis,
No.16, Rajaji Salai,
Chennai - 600 001.



2.The Commissioner of Police,
Coimbatore City, Coimbatore.

3.The Inspector of Police,
Singanallur Police Station,
Singanallur, Coimbatore.

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PCH(CO)
SP(15/07/2021)