



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.24742 OF 2021

AND

W.M.P.NO.26023 OF 2021

M/s.M.Naveena

... Petitioner

Versus

1. The Regional Director,
Reserve Bank of India,
Fort Glacis,
No.16, Rajaji Salai,
Chennai - 600 001.
2. The Commissioner of Police,
Tirupur City,
Tirupur District.
3. The Inspector of Police,
Velampalayam Police Station,
Tirupur City,
Tirupur District.
4. The Branch Manager,
Shriram City Union Finance,
No.51A, Aasar Nagar,
60 Feet Road,
Avinasi Road,
Tirupur City,
Tirupur District.
5. Mr.Uthayakumar
6. Mr.Suresh
S/o.Father name not known to the petitioner,
Respondents 5 and 6 are working at
Shriram City Union Finance,
No.51A, Aasar Nagar,
60 Feet Road,
Avinashi Road,
Tirupur City,
Tirupur District.

... Respondents



PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of WRIT OF MANDAMUS or any other writ or order or direction or more particularly in the nature of WRIT OF MANDAMUS directing the Respondents 1 to take appropriate action against the Respondents 4 to 6 for their unlawful trade practice, obnoxious practice of forceful vehicle recovery and telephonic conversations on the basis of extortion of other vehicles, based on the petitioner's representation dated 21.08.2021.

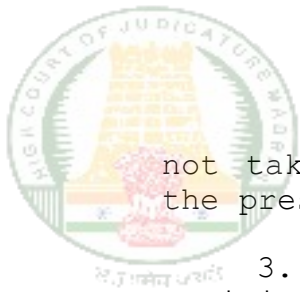
For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate
For R2 & R3

O R D E R

This writ petition has been filed for seeking for issuance of WRIT OF MANDAMUS or any other writ or order or direction or more particularly in the nature of WRIT OF MANDAMUS directing the Respondents 1 to take appropriate action against the Respondents 4 to 6 for their unlawful trade practice, obnoxious practice of forceful vehicle recovery and telephonic conversations on the basis of extortion of other vehicles, based on the petitioner's representation dated 21.08.2021.

2. The case of the petitioner is that the petitioner completed B.com., and her father purchased a Hero Destiny two wheeler vehicle bearing registration Number TN39-CP0048 by availing financial facilities from the 4th respondent on 08.03.2020 and subsequently he was regular in repayment of loan and due to Covid-19 pandemic crisis, the petitioner is not able to mobilise the fund and committed default in payment. On 06.08.2020 at about 2.30 p.m, the employees of the 4th respondent namely 5th and 6th respondent asked the father of the petitioner to meet them in the office to verify the loan amount. The petitioner also went to the 4th respondent office and the vehicle was seized. However, due to non settlement of loan borrowed by the petitioner's father, the petitioner vehicle bearing Registration No.TN39-CQ 6804 was forcibly taken into custody. However, the vehicle was given by the State Government by way of subsidy and the said vehicle was seized by 4th and 5th respondent. Thereby, the petitioner filed a police complaint before the Commissioner of Police and the Jurisdiction Police Station. The Jurisdiction Police authorities directed the petitioner to pay the 3 months instalments. However, they did



not take any action against the 4th and 5th respondents. Hence, the present writ petition is filed with the above said prayer.

3. Mr.R.Shankar Ganesh, Learned Counsel appearing for the petitioner submits that though the loan amount was borrowed by the petitioner's father but the 4th respondent henchman seized the petitioner's vehicle. The petitioner had not borrowed any amount from the 4th respondent. Hence, the petitioner lodged a complaint before the Law Enforcing Agency. However, the Law Enforcing Agency has not taken any action against the private respondent. Hence, this Court may issue a direction to the Officials to take appropriate action against the 4th and 5th respondents.

4. Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents submits that if the complaint is filed before the Jurisdiction Police Station, the Jurisdiction police authorities will take appropriate action against the 4th respondent.

5. In view of the above, since there is a private dispute in between the petitioner and 4th & 5th respondent, if at all the petitioner is aggrieved by the illegal act of the 4th, 5th and 6th respondents he has to approach the respective Jurisdiction Police Station. Without approaching the Jurisdiction police station, the petitioner has filed the present writ petition. Hence, the prayer sought in the present writ petition cannot be considered.

6. Accordingly, the writ petition is dismissed. However, liberty granted to the petitioner to work out the remedy in the manner known to law. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Sma

To

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



2. The Commissioner of Police,
Tirupur City,
Tirupur District.
3. The Inspector of Police,
Velampalayam Police Station,
Tirupur City,
Tirupur District.
4. The Branch Manager,
Shriram City Union Finance,
No.51A, Aasar Nagar,
60 Feet Road, Avinasi Road,
Tirupur City,
Tirupur District.

+1cc to the Government Pleader, S.R.No.59968

W.P.NO.24742 OF 2021

RGN(CO)
PBS/27/12/2021