



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2021

C O R A M

THE HONOURABLE **MRS JUSTICE R. HEMALATHA**

W.P (MD) .No. 670 of 2021

Suriyakumar

.. Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Dr. Radhakrishnan Road,
Chennai - 600 004.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Rameshwaram Division,
Ramanathapuram District.

4.The Inspector of Police,
Town Police Station,
Rameshwaram,
Ramanathapuram District.

5.Rajkumar
The Branch Manager,
Sri Ram Commercial Vehicle and Transport Finance Company Ltd.,
GSSM Complex, 2nd Floor,
Santhanamariyamman Kovil (Opp),
Rameshwaram,
Ramanathapuram District - 623 526.

6.Prasanth
Sri Ram Commercial Vehicle and Transport Finance Company Ltd.,
GSSM Complex, 2nd Floor,
Santhanamariyamman Kovil (Opp),
Rameshwaram,
Ramanathapuram District - 623 526.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents 1 to 4 to release the petitioner's Force Tempo Traveler Vehicle bearing Regn.No.TN 67 AP 6451 from the custody of the respondents 5 and 6 and direct the respondents 1 to 3 to take action against the respondents 5 and 6 and consequently, direct the respondents 1 to 3 to take departmental proceedings against the 4th respondent.



For Petitioner : Mr. G. Thirumurugan
For R1 to R4 : Mr. R. Saravanakumar
Government Advocate (Criminal Side)
For R5 and R6 : Mr. Anand C. Rajesh

WEB COPY

ORDER

The matter in issue pertains to seizure of vehicle Tempo Traveler bearing Regn. No. TN 67 AP 6451 from the petitioner.

2. The grievance of the petitioner is that the vehicle was seized from him without giving any notice to him by the respondents 5 and 6.

3. Mr. R. Saravanakumar, learned Government Advocate (Criminal Side) who accepts notice for the respondents 1 to 4 would contend that the complaint lodged by the petitioner and the respondents 5 and 6 were registered as CSR.No. 227 of 2020 and C.S.R.No. 228 of 2020 respectively and the said petitions are pending for enquiry.

4. Mr. Anand C. Rajesh, learned counsel who accepts notice for the respondents 5 and 6 would contend that the petitioner availed four loans from Sri Ram Commercial Vehicle and Transport Finance Company Private Ltd., and that a sum of Rs.9,47,399/- is due and payable by the petitioner. His further contention is that since the instalments were not paid, the vehicle bearing Regn. No. TN 67 AP 6451 was seized from the petitioner.

5. The learned counsel appearing for the petitioner admitted that the petitioner did not pay the loan instalments. However, he contended that the petitioner is willing to clear the dues. It is a clear case of default committed by the petitioner. The admitted case of the petitioner is that since he did not pay the loan amount, the vehicle was seized by the respondents 5 and 6 viz., Sri Ram Commercial Vehicle and Transport Finance Company Private Ltd., and therefore, the action taken by the Sri Ram Commercial Vehicle and Transport Finance Company Private Ltd., is justified.

6. In the circumstances, the Writ Petition fails and the same is dismissed. No costs.

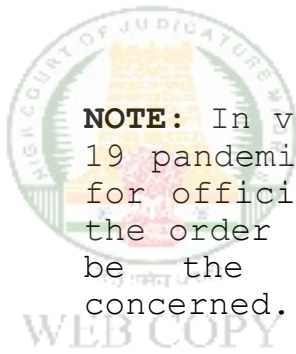
Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE: 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

1.The Director General of Police,
Office of the Director General of Police,
Dr. Radhakrishnan Road,
Chennai - 600 004.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Rameshwaram Division,
Ramanathapuram District.

4.The Inspector of Police,
Town Police Station,
Rameshwaram,
Ramanathapuram District.

5.The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.G.THIRUMURUGAN, Advocate (SR-1555[F] dated
21/01/2021)

W.P (MD) .No. 670 of 2021
19.01.2021

ES (CO)
KB(09.02.2021) 3P 7C