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W.P.(MD) No.3981 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P.(MD) No.3981 of 2021

and

W.M.P.(MD) No.3211 of 2021

Karthikeyan

.. Petitioner

vs

- 1.Union of India,
represented by its through Secretary,
Ministry of Finance Department,
Nirmalbhawan,
New Delhi.
- 2.The Reserve Bank of India,
No.6, Sansadmarg,
Sansadmarg Area,
New Delhi,
Delhi 110 001.
- 3.The Reserve Bank of India,
No.16, Rajaji Salai,
Fort Glacis,
Chennai.
- 4.The Assistant General Manager (Finance),
TATA Motors Finance Limited,
10th Floor, 106 A and B maker Chambers,
Nariman Point,
Mumbai 400 021.
- 5.The Branch Manager,
TATA Motors Finance Limited,
Celestial Point No.45,
Damodharan Street,
Chennai 600 017.
- 6.The Branch Manager,
TATA Motors Finance Limited,
Raj Towers,
6-7 Karur Bye Pass Road,
Near Chatram Bus Stand,
Trichy 620 002.



7.The Inspector of Police,
Karur Town Police Station,
Karur,
Karur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to issue necessary and suitable orders to the 4th and 5th respondents not to seize the petitioner's vehicles bearing registration numbers (1) TN 20 BH 7103 (2) TN 47 AM 1059 (3) TN 47 AM 1023 (4) TN 47 AM 1066 (5) TN 88 E 7347 (6) TN 88 E 7306 (7) TN 69 AF 0207 (8) TN 69 AE 6688 on the basis of petitioner representation dated 10/12/2021 and take suitable action against the 4th and 5th respondent within the time stipulated by this Court.

For Petitioner : Mr.R.Chinnarajah

For R7 : Mr.M.Jeyakumar
Additional Government Pleader

ORDER

The case of the petitioner is that he has purchased 8 vehicles bearing Reg.Nos. i) TN 20 BH 7103, ii) TN 47 AM 1059, iii) TN 47 AM 1023, iv) TN 47 AM 1066, v) TN 88 E 7347, vi) TN 88 E 7306, vii) TN 69 AF 0207 and viii) TN 69 AE 6688, after obtaining finance from TATA Motors Finance Limited having office in different places, who was arrayed as respondents 4 to 6 herein. The said company had granted loan to the petitioner for the purpose of purchase of the said 8 vehicles. According to the petitioner, there were some difficulty in repaying the loan during the pandemic period, since the business could not be transacted for a considerable time, like in the normal times due to the COVID-19 situation. The petitioner appears to have requested the finance company for grant of some reasonable time for repayment of the loan. The petitioner appears to have also referred to the circular/instruction issued to the financial institutions in regard to taking any coercive steps for repayment of the loan when such default had taken place during the pandemic crisis by the Government of India and the Reserve Bank of India.

2.According to the petitioner, the respondents 4 to 6 herein had been engaging services of certain outside elements to intimidate and threaten the petitioner in order to seize the vehicles, which were under pledge to the finance company. In the said circumstances, the petitioner appears to have submitted a representation on 10.12.2020 to the respondents 1 to 3 herein to issue suitable orders to the respondents 4 to 6 not to take any coercive steps in insisting for repayment of the loan, but no response has been



forthcoming from the respondents 1 to 3 and therefore, the petitioner is before this Court seeking issuance of writ of mandamus to the respondents 1 to 3 to issue necessary and suitable orders to the respondents 4 and 5 not to seize the petitioner's vehicles.

3.This Court is unable to appreciate as to how the present writ petition is maintainable against the private respondents. The respondents 4 to 6 herein are the private institutions and not amenable to the writ jurisdiction of this Court. The private dispute has been sought to be set right within the writ jurisdiction of this Court by cleverly seeking a direction to the respondents 1 to 3 herein by the petitioner. The petitioner's grievance against the private respondents, namely, 4 to 6 herein falls entirely within the realm of contractual obligation and the relationship between the petitioner and the respondents 4 to 6 herein cannot be a subject matter of adjudication before the writ jurisdiction of this Court.

4.The petitioner has needlessly arrayed the respondents 1 to 3 herein in order to achieve his object to prevent the private respondents from seizing his vehicles by adopting the contrived route of invoking the writ jurisdiction of this Court. The dispute of this nature can never be a subject matter of adjudication in a writ jurisdiction of this Court and in case, the petitioner has any difficulty in facing the action of the respondents 4 to 6, proper course for him lies elsewhere and not before the writ jurisdiction of this Court.

5.For the above said reasons, this Court has to necessarily hold that the the writ petition is not maintainable and accordingly, the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// 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.



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+1 CC to M/s.SPL GP (SR-8436[F] dated 03/03/2021)

+1 CC to M/s.V.J.KUMARAVEL, Advocate (SR-8826[F] dated 04/03/2021)

W.P. (MD) No.3981 of 2021
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GS (17.05.2021) 4P 7C