



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2021**

CORAM

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

WEB COPY

W.P. (MD) No.6197 of 2021

and

W.M.P. (MD) No.4801 of 2021

M.Suthakar

.. Petitioner

Vs

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

2.The Motors Finance Limited,
10th Floor, 106A and B makers Chambers III,
Nirimon Point, Mumbai 400 021.

3.The Motors Finance Limited,
Madurai Branch,
74, ADR Towers 4th Floor,
P.P.Chavadi,
Theni main Road,
Kalavasal, Madurai 625 016.

.. Respondents

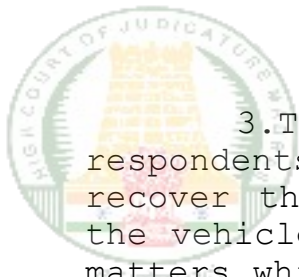
PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action against the respondents 2 and 3 for the unlawful trade practice in repossessing vehicle TATA MOTORS LIMITED (Light Goods Vehicle) SFC 407 Pickup, 2018, Vehicle bearing Registration No.TN 58 AS 0432 and obnoxious practice of forceful vehicle recovery and telephonic conversations on the basis of the petitioner's representation dated 01.03.2021.

For Petitioner : Mr.R.Shankar Ganesh

ORDER

This writ petition has been filed seeking direction to the 1st respondent to take action against the respondents 2 and 3 private finance companies, which is not amenable to the writ jurisdiction of this Court.

2.In the guise of seeking a direction, the petitioner is invoking the constitutional jurisdiction of this Court in order to stall the loan obligation towards respondents 2 and 3 herein.



3.The petitioner has averred in the affidavit that the respondents 2 and 3 are adopting unfair and illegitimate means to recover the dues payable to them and also attempting to repossess the vehicle towards the loan amount which was sanctioned. These are matters which entirely fall within the contractual mutual obligation as between the petitioner and the private respondents and which cannot be the subject matter of adjudication under Article 226 of the Constitution of India.

4.The petitioner very mischievously under the pretext of seeking direction to the 1st respondent, namely, the Regional Director of Reserve Bank of India, is in effect attempting to achieve what is otherwise not possible before this Court. He is bringing in a private dispute of his, within the realm of public law remedy, which attempt by the petitioner ought to be deprecated and rejected outright.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mm

+1 CC to M/s.DICTUM LAW FIRM, Advocate (SR-13122[F] dated 23/03/2021)

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RK (26.04.2021) 2P 2C