



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD)No.5233 of 2020

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Bethel Blooms Educational and Charitable Trust,
Thro' its Managing Trustee,
Mrs.Athsha

... Petitioner

Vs.

1.The Regional Director,
Reserve Bank of India,
Fort Glacis, Rajaji Salai,
Chennai - 600 001.

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The Regional Transport Officer,
Marthandam,
Kanyakumari District.

4.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

5.The Chola mandalam Investment and Finance Coy Ltd,
Dare House,
D.No.2, N.S.C. Bose Road,
Parrys, Chennai.

6.The Chola mandalam Investment and Finance Coy Ltd,
D.No.286/B/11, First Floor,
Nagarajakovil Cross Road,
Nagercoil.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the respondents 1 to 4 to take steps to recover the school bus bearing Registration No.TN 75 X 5374 from the fifth and sixth respondents and handover the same to the petitioner and consequently direct the fifth and sixth respondents to provide compensation of Rs.1,00,000/- to the petitioner for the loss and mental agony caused to the petitioner.



For Petitioner : Mr.T.Selvan
For R-1 to R-4 : Mr.M.Sakthi Kumar,
Government Advocate
For R-5 & R-6 : No Appearance

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ORDER

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4, to take steps to recover the school bus bearing Registration No.TN 75 X 5374 from the fifth and sixth respondents and handover the same to the petitioner and consequently direct the fifth and sixth respondents to provide compensation of Rs.1,00,000/- to the petitioner for the loss and mental agony caused to him.

2. A perusal of the affidavit filed by the petitioner clearly shows that the vehicle in question was hypothecated. In the hire purchase, only due to the default of payment, the right of the Financier has been exercised. Even assuming that there is violation of contractual conditions, for that, the writ petition is not maintainable and the remedy lies elsewhere. By merely making the Government machinery as parties, one cannot maintain a Writ as if the authorities have committed any act infringing the right of the person.

In such view of the matter, the writ petition is dismissed.

Sd/-

Deputy Registrar(LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

To:

- 1.The Regional Director,
Reserve Bank of India, Rajaji Salai,
Fort Glacis, Chennai - 600 001.
- 2.The Superintendent of Police,
Kanyakumari District, Nagercoil.
- 3.The Regional Transport Officer,
Marthandam, Kanyakumari District.



4.The Inspector of Police,
Eraniel Police Station, Kanyakumari District.

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nsn(CO)
TR(18.03.2022) 3P 5C