



WEB COPY



W.A.No.887 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.887 of 2015

S.Palanivel

..

Appellant

v.

1. The Regional Director
The Reserve Bank of India
No.16, Rajaji Salai
Chennai 600 001
2. The District Collector
Erode District
Erode
3. The Assistant General Manager
State Bank of India
Erode District
Erode
4. The Superintendent of Police
Erode District
Erode



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5. Mr.Ravichandran
The Chief Manager
State Bank of India
Erode District
Erode

6. Mr.Siva Subramaniam
Inspector of Police
Modakurichi Police Station
Erode

7. Mrs.Gomathy
Sub-Inspector of Police
Modakurichi Police Station
Erode

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 11.06.2015 made in W.P.No.23493 of 2014.

For Appellant :: Mr.N.G.R.Prasad

For Respondents :: No appearance for R1
Mr.U.M.Ravichandran
Special Government Pleader for
R2 & R4
Mr.K.Chandrasekaran for R3 & R5
Not ready in notice reg R6 & R7

JUDGMENT

(Judgment of the Court was made by D.KRISHNAKUMAR,J.)

The appellant herein filed the Writ Petition No.23493 of 2014



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seeking a mandamus to the respondents 1 to 4 to take suitable action against the respondents 5 to 7 for their illegal and unlawful activity in abducting the appellant's Chevrolet car bearing Registration No.TN 33 AT 9556 on the basis of his representations dated 04.08.2014, 05.08.2014 and 13.08.2014. The writ Court, accepting the averments made by the respondent Bank in the counter affidavit, dismissed the writ petition by directing the sixth respondent to take appropriate action against the appellant/writ petitioner for illegally confining the bank officials and others. Aggrieved thereby, the present intra-Court appeal has been filed.

2. Mr.N.G.R.Prasad, learned counsel appearing for the appellant fairly submitted that the order passed by the writ Court is erroneous, for the simple reason that there is no report submitted to the Court showing that the complaint given by the appellant is false. But strangely, accepting the averments made in the counter affidavit filed by the respondent Bank, the writ Court has directed the sixth respondent to take appropriate action against the appellant for the alleged illegal confinement of the bank officials. In the meanwhile, the seized vehicle has already been sold to a



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third party. The learned counsel also submitted that at the instance of the appellant, the State Human Rights Commission, by an order dated 2.9.2014, has also directed the Superintendent of Police, Erode to enquire into the matter and take necessary action. When the further report on such enquiry has not been communicated to the appellant, the learned counsel pleaded that the impugned order may be set aside with liberty to the appellant to pursue his further action in accordance with law.

3. The learned Special Government Pleader appearing for the respondents 2 & 4 has no serious objection for granting such liberty to the appellant.

4. The learned counsel appearing for the respondents 3 & 5 submitted that when the appellant voluntarily surrendered the vehicle in question to the officials of the respondent Bank for his default in repayment of the loan, it is not open to the appellant to prefer the complaint against the respondent bank officials.



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5. Having heard the learned counsels appearing for the parties and on perusal of the records, we could see that the impugned order has been passed by the writ Court merely relying upon the averments made by the respondent Bank in the counter affidavit and there is no other material placed before the Court to show that the complaint made by the appellant is found to be false. In such circumstances, without expressing any opinion on the merits of the case, the order passed by the writ Court is set aside and the appellant is granted liberty to pursue his further action in accordance with law. With this observation, the writ appeal stands disposed of. Consequently, M.P.Nos.1 & 2 of 2015 are closed. There shall be no order as to costs.

(D.K.K.,J.) (P.B.B,J.)
22.08.2023

Index : yes/no
Neutral citation : yes/no

SS

To

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