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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/2/2023

C O R A M

THE HONOURABLE MR.JUSTICE **N. SATHISH KUMAR**

Writ Petition No.27686 of 2015
a n d
M.P.No.1 of 2015

S. Ayyasamy ... Petitioner

Vs

1. The Regional Transport Officer
   Office of the Regional Transport Officer
   Coimbatore (Central) 641 018.

2. The Inspector of Police
   B 7 Ramanthapuram Police Station
   Coimbatore District.

3. IndusInd Bank Limited
   rep. By The General Manager
   115, 116 G.N.Chetty Road
   Chennai 600 017. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to recover the petitioner's lorry bearing Registration No.TN-66-K-0160 which is under the control of Coimbatore (Central) Regional Transport

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Office Registration from the third respondent and hand over the same to the petitioner.

For Petitioner ... Mr.P.Saravanan

For respondents ... Mrs.R.Anitha
Special Government Pleader
for R.R.1 and 2
Mr.K.Moorthy
for R.3.

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O R D E R

This writ petition has been filed to direct the second respondent to recover the petitioner's lorry bearing Registration No.TN-66-K-0160 from the third respondent and hand over the same to the petitioner.

2. The case of the petitioner is that he had purchased the lorry bearing Registration No.TN-66-K-0160, with hire purchase from the third respondent for a sum of Rs.10,26,000/-. The petitioner had repaid 90% of the loan amount. However, the third respondent had forcefully taken away the lorry of the petitioner. The petitioner had given a complaint, dated 31/8/2015 to the respondent. Since the same has not been considered so far, the petitioner has come forward with the instant writ petition, praying for the relief as stated therein.

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3. Heard Mr.P.Saravanan, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 and 2 and Mr.K.Moorthy, learned counsel for the third respondent. Perused the materials available on record.

4. Learned counsel appearing for the third respondent submitted that arbitration proceeding has been initiated against the petitioner and award has been passed in their favour and in execution of the award, vehicle has already sold. The proceeding has taken as per the contract of hire purchase.

5. Considering the fact that award came to be passed and execution is also filed for recovery of remaining amount, at this stage, directing the second respondent to recover the petitioner's lorry, bearing Registration No.TN-66-K-0160, does not arise at all. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

14/2/2023

Index : Yes / No
Internet: Yes
Speaking/non speaking order
mvs.

N. SATHISH KUMAR, J

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mvs.

To

1. The Regional Transport Officer
   Office of the Regional Transport Officer
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2. The Inspector of Police
   B 7 Ramanthapuram Police Station
   Coimbatore District.

W.P.No.27686 of 2015

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