



W.P(MD)Nos.14256 & 14383 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)Nos.14256 & 14383 of 2022

and

W.M.P(MD)Nos.10185, 10187, 10191 of 2022

and

W.M.P(MD)Nos.10278, 10280 , 10282 of 2022

W.P(MD)No.14256 of 2022:

Venkateshwaran

... Petitioner

Vs.

- 1.The Regional Director,
Reserve Bank of India,
Department of Banking Supervisor,
For Clacis,
No.16, Rajaji Salai,
Chennai – 01.
- 2.The Authorized Officer,
HDFC Bank Ltd.,
No.34, Sri Nithyakalyani Towers,
Krishnarayar Tank, North Velii Street,
Madurai District.
- 3.The Authorized Officer,
HDFC Bank Ltd.,
Opposite to Convenient,
Theni Alli Nagaram,
Theni – 31.

... Respondents



W.P(MD)Nos.14256 & 14383 of 2022

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records, in relating to the entire recovery proceedings, including the impugned notices dated 21.06.2022 of the third respondent in respect of the loan Account Numbers: 83194191, 8319492, 8319493, 83194186, 83194190, 83194187, 38194189, 83194197, 83194199 and to quash the same and consequently, to return back the petitioner's buses, which were secured assets to the above loans and further to direct the respondents to revive the petitioner's above loan accounts, so as to enable him to settle the above loans.

W.P(MD)No.14256 of 2022:

Thirumal Alagu Travels,
Represented by its, Proprietor,
Venkateshwaran

... Petitioner

Vs.

- 1.The Regional Director,
Reserve Bank of India,
Department of Banking Supervisor,
For Clacis,
No.16, Rajaji Salai,
Chennai – 01.
- 2.The Authorized Officer,
HDFC Bank Ltd.,
No.34, Sri Nithyakalyani Towers,
Krishnarayar Tank, North Velii Street,
Madurai District.



W.P(MD)Nos.14256 & 14383 of 2022

3.The Authorized Officer,
HDFC Bank Ltd.,
Opposite to Convenient,
Theni Alli Nagaram,
Theni – 31.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records, in relating to the entire recovery proceedings, including the impugned notices dated 21.06.2022 of the third respondent in respect of the loan Account Numbers: 83244077, 83244082, 83244076 & 83244084 and to quash the same and consequently, to return back the petitioner's buses, which were secured assets to the above loans and further to direct the respondents to revive the petitioner's above loan accounts, so as to enable him to settle the above loans.

(In Both W.Ps)

For Petitioner : Mr.M.S.Jeyakarthik

For R-1 : No Appearance

For R-2 & R-3 : Mr.A.Anbalagan

COMMON ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard the learned counsel on either side.



W.P(MD)Nos.14256 & 14383 of 2022

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2. The petitioner is challenging the recovery notices issued by the respondent bank.

3. The learned counsel for the petitioner submits that without resorting to the provisions of law, the respondent bank in a high-handed manner, has repossessed 12 tourist buses of the petitioner.

4. The learned counsel for the respondent bank relies upon Section 172 and 176 of the of the Indian Contract Act, 1872, to submit that the buses were hypothecated with the respondent bank and the respondent bank has exercised its right under Section 176 of the Indian Contract Act, 1872.

5. The learned counsel for the respondent emphatically states that on 18.06.2022, the buses re-possessed have been auctioned and sold.

6. The respondent bank shall give the details of the auction to the petitioner within a period of fifteen days from today. Upon receipt of the details, it is open to the petitioner to take steps as may be



W.P(MD)Nos.14256 & 14383 of 2022

permissible under law and before the appropriate forum. In that event, all the contentions of the respective parties are kept open.

7. The writ petitions are accordingly disposed of. No Costs.
Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[L.V.G., J.]

30.11.2023

Index : Yes / No
Neutral Citation : Yes / No

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W.P(MD)Nos.14256 & 14383 of 2022

THE HONOURABLE CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

PM

W.P(MD)Nos.14256 and 14383 of 2022

30.11.2023