



W.P.(MD)Nos.15165, 15171 & 15587 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.10.2023

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.15165, 15171 & 15587 of 2020

and

W.M.P.(MD)No.12782 of 2020 in W.P.(MD)No.15165 of 2020

W.P.(MD)No.15165 of 2020:-

Kalaivani, W/o.S.Manickavasagam

.. Petitioner

Versus

- 1.Union Bank of India
Rep. by its Secretary,
Ministry of Finance Department,
Nirmalbhawan, New Delhi.
- 2.The Reserve Bank of India
No.6 Sansadmarg, Sansadmarg Area,
New Delhi, Delhi – 110 001.
- 3.The Reserve Bank of India,
No.16 Rajaji Salai, Fortglais,
Chennai.
- 4.The Branch Manager,
Shriram Transport Finance Company Ltd.,
3rd Floor, No.81 Bye Pass Road,
Madurai,
Madurai District.
- 5.The Branch Manager
Shriram Transport Finance Company Ltd.,
Star Tower, Thillai Nagar,
Trichy – 620 018.



W.P.(MD)Nos.15165, 15171 & 15587 of 2020

6.The Inspector of Police,
Vengamedu Police Station,
Vengamedu, Karur District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to issue necessary and suitable orders to the 4th and 5th respondents not to seize the petitioner's vehicles bearing registration numbers (1) TN 73 U 9394 (2) TN 73 U 3133 (3) TN 28 AF 6475 (4) TN 45 TN 6259 and (5) TN 47 AJ 8335 on the basis of the petitioner's representation, dated 10.10.2020 and take suitable action against the 4th and 5th respondents, within the time stipulated by this Court.

For Petitioner : Mr.V.Selvakumar

For R1 : Dr.M.D.Poornachari

For R2 and R3: Mr.K.Ashok Kumar Ram
Senior Panel Counsel

For R4 and R5: Mr.Ananth C.Rajesh

For R6 : Mr.R.Sivakumar
Government Advocate (Criminal side)

W.P.(MD)No.15171 of 2020:-

S.Manickavasagam

.. Petitioner

Versus

1.Union Bank of India
Rep. by its Secretary,
Ministry of Finance Department,
Nirmalbhawan, New Delhi.



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- 2.The Reserve Bank of India
No.6 Sansadmarg, Sansadmarg Area,
New Delhi, Delhi – 110 001.
- 3.The Reserve Bank of India,
No.16 Rajaji Salai, Fortglais,
Chennai.
- 4.The Branch Manager,
Shriram Transport Finance Company Ltd.,
3rd Floor, No.81 Bye Pass Road,
Madurai,
Madurai District.
- 5.The Branch Manager
Shriram Transport Finance Company Ltd.,
Star Tower, Thillai Nagar,
Trichy – 620 018.
- 6.The Inspector of Police,
Vengamedu Police Station,
Vengamedu, Karur District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to issue necessary and suitable orders to the 4th and 5th respondents not to seize the petitioner's vehicles bearing registration numbers (1) TN 57 AK 9727 (2) TN 88 A 3186, on the basis of the petitioner's representation, dated 10.10.2020 and take suitable action against the 4th and 5th respondents within the time stipulated by this Court.

For Petitioner : Mr.V.Selvakumar

For R1 : Mr.V.Malaiyendran
Central Government Standing Counsel

For R4 and R5: Mr.Ananth C.Rajesh



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For R6 : Mr.R.Sivakumar
Government Advocate (Criminal side)

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W.P.(MD)No.15587 of 2020:-

M.Nathiya

.. Petitioner

Versus

1. Union Bank of India
Rep. by its Secretary,
Ministry of Finance Department,
Nirmalbhawan, New Delhi.
2. The Reserve Bank of India
No.6 Sansadmarg, Sansadmarg Area,
New Delhi, Delhi – 110 001.
3. The Reserve Bank of India,
No.16 Rajaji Salai, Fortglais,
Chennai.
4. The Competent Officer,
Zonal Office,
Shriram Transport Finance Company Ltd.,
3rd Floor, No.81 Bye Pass Road,
Madurai,
Madurai District.
5. The Branch Manager
Shriram Transport Finance Company Ltd.,
1st Floor, No.213/6, Sedar Street,
Sulthanpet,
Paramathivelur, Namakkal District.
6. The Inspector of Police,
Vengamedu Police Station,
Vengamedu, Karur District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to issue



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necessary and suitable orders to the 4th and 5th respondents not to seize the petitioner's vehicles bearing registration numbers (1) TN 47 AJ 6429 (2) TN 47 AJ 6423, on the basis of the petitioner's representation, dated 12.10.2020 and take suitable action against the 4th and 5th respondents within the time stipulated by this Court.

For Petitioner : Mr.V.Selvakumar

For R1 : Mr.V.Malaiyendran
Central Government Standing Counsel

For R6 : Mr.R.Sivakumar
Government Advocate (Criminal side)

COMMON ORDER

These Writ Petitions have been filed for a direction to the Finance Companies not to seize the vehicles belonging to the petitioners.

2. Heard the learned counsel appearing for the parties.

3. The relief sought for by the petitioners cannot be granted by this Court, since the petitioners are seeking for an omni bus relief, which will virtually tie the hands of the Finance Companies from recovering the dues from the petitioners, who are admittedly the borrowers of the loan from the Finance Companies.



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4. It is now a settled law that the Finance Company will be the owner of the vehicle till the last instalment is paid by the borrower. Therefore, if a direction is issued by this Court in the manner in which it has been sought for by the petitioners, no Finance Company can recover the loan amounts from the borrowers. This Court does not find any merits in the present Writ Petitions. Accordingly, all the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
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To

05.10.2023

- 1.The Secretary,
Union Bank of India,
Ministry of Finance Department,
Nirmalbhawan, New Delhi.
- 2.The Reserve Bank of India
No.6 Sansadmarg, Sansadmarg Area,
New Delhi, Delhi – 110 001.
- 3.The Reserve Bank of India,
No.16 Rajaji Salai, Fortglais,
Chennai.
- 4.The Inspector of Police,
Vengamedu Police Station,
Vengamedu, Karur District.



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N.ANAND VENKATESH, J.

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Common order in
W.P.(MD) Nos.15165, 15171
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and
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