



W.P(MD)No.15350 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.15350 of 2023

and

W.M.P(MD).No.12944 of 2023

HDFC Bank Limited,
No.8-B, 11th Cross, Thillai Nagar,
Trichy-620017.

Represented by its legal Manager,
R.Vijayamanosankar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Economic Offences Wing, Ramanathapuram,
(Camp @ Tiruchirappalli,
Thanjavur District Crime Branch.

2.Raahath Transporrt,
No.20, Raja Nagar,
Thanjavur-613 005.

3.The Regional Transport Officer,
Regional Transport Office,
Kamaraj Salai Saram, Puducherry-605013.

4.The Regional Transport Officer,
Regional Transport Office,
Pillaiyarpatti Post, Vallam Road,
Thanjavur -613 403.



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5.The Regional Transport Officer,
Angamaly Regional Transport Office,
Manjapra Road, Angamaly,
Ernakulam, Kerala-683572.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, issued direction to quash the first respondent's impugned communication in C.No.25/62.1/DSP/EOW/RMD@Trichy/2022 dated ..2022 to the petitioner bank and consequently, direct the third respondent to remove the entry of blacklisting of the vehicles bearing Nos.PY05F-6499, PY05F-7499, PY05F-6399, PY05F-7399, PY05F-5199, PY05F-5299 and further direct the fourth respondent to remove the entry of blacklisting of the vehicle bearing No.TN49-BP-9726, and further direct the fifth respondent to remove the entry of blacklisting of the vehicles bearing Nos.KL63G-2415, KL63G-2483 which are hypothecated to the HDFC Bank Limited so as to enable the registration of the vehicles to the prospective buyers.

For Petitioner : Mr.T.N.Karthikeyan

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

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The petitioner has filed the above writ petitions seeking issuance of a Writ of Certiorarified Mandamus to quash the first respondent's impugned communication in C.No.5/62.1/DSP/EOW/RMD@Trichy/2022 dated ..2022 to the petitioner bank and consequently, direct the third respondent to remove the entry of blacklisting of the vehicles bearing Nos.PY05F-6499, PY05F-7499, PY05F-6399, PY05F-7399, PY05F-5199, PY05F-5299 and further direct the fourth respondent to remove the entry of blacklisting of the vehicle bearing No.TN49-BP-9726, and further direct the fifth respondent to remove the entry of blacklisting of the vehicles bearing Nos.KL63G-2415, KL63G-2483 which are hypothecated to the HDFC Bank Limited so as to enable the registration of the vehicles to the prospective buyers.

2. It is the grievance of the petitioner bank that as a Banking company, in the course of their business, one of their customers viz., the second respondent approached the petitioner Bank for availing loan to purchase commercial vehicles. In respect of the said loan, the petitioner Bank entered into loan agreements with the second respondent and



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necessary hypothecation endorsements over the vehicles were also effected in the registration certificates of the respective vehicles. In view of the default committed by the borrower, the vehicles were seized from the second respondent and when the sale process was initiated by the petitioner bank, they came to know that the first respondent had addressed a communication to the third respondent and in turn the vehicles were blacklisted. In view of the said blacklisting, the petitioner bank is unable to sell the vehicles though they are empowered to do so in law.

3. Heard Mr.M.Sakthi Kumar, learned Government Advocate (Crl. Side) appering for the first respondent.

4.The learned Government Advocate (Crl. Side) would submit that all those properties have been purchased by one A.Kamaludeen, who is an accused in Crime No.78 of 2021 on the file of the Economic Offence Wing, Tiruchirappalli, facing charges under Sections 406 and 420 of IPC and 5 of TNPID Act, 1997. The properties is now under dispute, has been purchased by the above said A.Kamaludeen by receiving money from the public. Thereafter, he cheated the public. Over which, the



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above said complaint has been registered and investigation is going on.

During the course of investigation, it was found that those properties have been purchased out of the money. That has been collected from the public. Even though the grievance on the part of the prosecution may be genuine, but the way in which the above said matter is handed is not proper.

5.This Court has passed several orders. Wherein, it is stated that such communications should not be sent without proper attachment order. One among the order is in W.P.Nos.14247, 14248 and 14250 of 2023.

6.This Court finds that no prejudice will be caused to the respondents even if the properties were sold, it found to be the property of crime, then there will be no implement for the investigation, because the petitioner is entitled in law to dispose off the seized vehicles under the contractual agreements with the second respondent. The entry of blacklisting of the vehicles does not have any statutory backing, the communication sent by the first respondent does not have any legal force. Accordingly, the first respondent's impugned communication in C.No.



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25/62.1/DSP/EOW/RMD@Trichy/2022 dated ..2022 is quashed.

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7. In such view of the matter, there shall be a direction to the respondents 3 to 5 to remove the entry of blacklisting of the vehicle bearing Registration Nos.PY05F-6499, PY05F-7499, PY05F-6399, PY05F-7399, PY05F-5199, PY05F-5299, TN49-BP-9726, KL63G-2415, KL63G-2483 within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is allowed. No costs. Consequently, the connected writ miscellaneous petition is closed.

13.10.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
vsg



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To

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1. The Deputy Superintendant of Police,
Economic Offences Wing, Ramanathapuram,
(Camp @ Tiruchirappalli,
Thanjavur District Crime Branch.
2. The Regional Transport Officer,
Regional Transport Office,
Kamaraj Salai Saram, Puducherry-605013.
3. The Regional Transport Officer,
Regional Transport Office,
Pillaiyarpatti Post, Vallam Road,
Thanjavur -613 403.
4. The Regional Transport Officer,
Angamaly Regional Transport Office,
Manjapra Road, Angamaly,
Ernakulam, Kerala-683572.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

vsg

Order made in
W.P(MD)No.15350 of 2023

Dated 13.10.2023