



W.P(MD)No.13659 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13659 of 2014
and
M.P.(MD)No.1 of 2014

S.Selvaraj

... Petitioner

Vs.

1.The Branch Manager,
Commercial Vehicle Division,
Indusland Bank Ltd.,
Namakal Branch,
180 & 181, Pillaiyar Kovil Street,
Ganasapuram, Namakkal,
Namakkal District.

2.The Branch Manager,
Indusland Bank Limited,
No.89, G.N.Chetty Road,
T.Nagar, Chennai – 600 017.

3.The Sub Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.

4.The Reserve Bank of India,
Rep. through Authorised Officer,
I Main Building, Shahid,
Bhagat Singh Road, Fort,
Mumbai – 400 001.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings of the 2nd respondent nil number and dated 24.06.2014, quash the same as illegal, restore with the petitioner possession of his lorry bearing registration No.TN 47 Y 6284 which was illegally taken away by the 1st respondent on 23.06.2014 and consequently directing the 1st and 2nd respondents to pay appropriate compensation to the petitioner from 23.06.2014 to till dated for loss of income.

For Petitioner : Mr.D.Gurusamy

For Respondents : Mr.J.Alaguram for R1 & R2.
Mr.S.Shanmugavel,
Addl. Government Pleader for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner had availed vehicle loan from the first respondent. Since default was committed, the first respondent has repossessed the same. Challenging the communication intimating repossession, the present writ petition came to be filed.



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3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.It is seen that the petitioner had already lodged a criminal case. Crime No.241 of 2014 was registered on the file Musiri Police Station. The learned Additional Government Pleader informs the Court that the said criminal case has been closed as “mistake of fact”. As rightly pointed out by the learned standing counsel for the bank, these are matters which fall in the realm of private contract. The petitioner as a borrower is bound by the terms of contract. If according to the petitioner, the bank has breached the contractual terms, the remedy is elsewhere. Invoking writ jurisdiction is not appropriate.

5.Leaving open the other rights of the petitioner, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To:-

The Sub Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.

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