



W.P(MD)No.13708 of 2014

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.07.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.13708 of 2014**

P.Duraisamy

... Petitioner

Vs

1.Authorized Signatory

HDFC Bank Ltd,  
Brough Road,  
Erode – 638 001.

2.The Regional Manager

HDFC Bank,  
34, Sri Nithiya Kalyani Towers,  
4<sup>th</sup> Floor, North Veli Street,  
Madurai – 1.

3.The Reserve Bank of India

Represented through  
Authorised Officer,  
I Main Building, Shahid,  
Bhagat Singh Road, Fort,  
Mumbai – 400 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned Proceedings of the first respondent Number Nil dated



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03.12.2013, quash the same as illegal, restore with the petitioner possession of his vehicle which was illegally taken away by the first respondent on 22.10.2013, consequentially directing the 1st and 2nd respondents to pay appropriate compensation to the petitioner for loss of income suffered by the Petitioner from 22.10.2013 to till date.

For Petitioner : No Appearance

For Respondents : Mr.B.Ponnupandi  
Standing Counsel  
for Mr.T.M.Karthikeyan  
for R.1 & R.2

Tapal Returned for R.3

### **ORDER**

None appears for the petitioner.

2. The learned Standing Counsel appearing for the HDFC Bank informs the Court that the petitioner borrowed a sum of Rs.5,70,000/- (Rupees Five Lakhs Seventy Thousand only) in the year 2013 for purchase of Tractor. The petitioner did not make any payment at all towards clearing the loan liability. He voluntarily surrendered the Tractor. The Bank, thereafter, sold the Tractor for a sum of Rs.3,90,000/- (Rupees Three Lakhs Ninety Thousand only). When the Bank demanded payment of the balance amount with interest from petitioner, the present writ petition came to be filed.



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3. From the submissions of the learned Standing Counsel, I can only conclude that the very filing of this writ petition is an abuse of process. It is seen from the writ averments that the petitioner had not paid even a single installment. No relief can be granted at the instance of a rank defaulter.

4. This writ petition is dismissed. There shall be no order as to costs.

**04.07.2023**

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

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