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W.P.(MD)NO.17900 OF 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17900 of 2014 AND

M.P.(MD)No.1 of 2014

R.Alagarsamy

... Petitioner

Vs.

1. The Zonal Manager,
IndusInd Bank Ltd.,
No.115, 115, G.N.Chetty Road,
Chennai – 600 017.

2. The Branch Manager,
IndusInd Bank Ltd.,
No.122/5. Bharathiyar Salai,
Premier Plaza 1st Floor,
Contonment,
Trichy – 620 001.

3. The Recovery Officer,
IndusInd Bank Ltd.,
No.122/5, Bharathiyar Salai,
Premier Plaza 1st Floor,
Contonment,
Trichy – 620 001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to hand over the seized vehicle JCB BACKHOE LOADER JCB3DX bearing Reg. No. TN45-BZ-5281 to the petitioner in respect of loan Id. No. TTT00091E dated 29.06.2012 on due payment of the petitioner.



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For Petitioner : Mr.M.Vivek Bharathi

For Respondents : Mr.J.Alaguram Jothi,
Standing Counsel.

* * *

ORDER

The learned counsel appearing for the petitioner reports no instruction. The petitioner's name is printed in the cause list and he has not made any alternative arrangement.

2. I went through the contents of the affidavit filed in support of the writ petition.

3. The learned Standing counsel for INDUSIND Bank informs the Court that the petitioner had availed loan to purchase the petition-mentioned JCB. He turned out to be a defaulter. As per the terms and conditions in the loan agreement, the vehicle was seized and sold also.

4. This issue falls within the realm of private contract. INDUSIND bank is not a nationalized bank. Therefore, as held



by the Hon'ble Supreme Court in the decision reported in

(2003) 10 SCC 733 (Federal Bank Ltd., v. Sagar

Thomas), a writ petition against a scheduled bank is not maintainable.

5. Leaving open the petitioner's other rights and remedies, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2023

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

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