



W.P(MD)No.15555 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15555 of 2015

Raghumathnisha

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
North Police Station,
Taluk Office Road,
Karikudi,
Sivagangai District.

3.M/s.Equitas Finance Private Ltd.,
Rep. by its Branch Manager,
No.31/2, V.P.R. Towers 2nd Floor,
Sekkalai Road, Jawahar Street,
Janapriyaa Upstairs, Karaikudi,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action upon the 3rd respondent and release

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the Tipper Lorry of the petitioner bearing Regn.No.TN-48-E-6868 from the illegal custody of the 3rd respondent in the light of the petitioner's complaint dated 09.12.2014, within the time stipulated by this Court.

For Petitioner : Ms.P.Kalaiyarasi Bharathi

For Respondent : Mrs.K.Chirsty Theboral,
Addl. Government Pleader for R1 & R2.
Mr.B.Janarthkumar for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner has availed loan from the third respondent. The petitioner appears to have committed default. The third respondent has seized the petition mentioned tipper lorry. That led to the filing of this writ petition.

3.The petitioner wants this Court to direct the respondents 1 and 2 to take action for recovering the tipper lorry from the third respondent.



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4.These are not matters in which the writ jurisdiction can be invoked. Admittedly, the third respondent is a private financier. A writ will not lie against the action taken by the third respondent. These matters fall in the realm of contract. The petitioner has to workout her remedy in the manner known to law and as per the contractual terms and conditions.

5.Granted such liberty to the petitioner, this writ petition is dismissed. No costs.

11.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
North Police Station,
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