



W.P.(MD)No.21411 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21411 of 2021

K.Afsal Rahman

... Petitioner

-VS-

1.The Reserve Bank of India,
The Authorised Officer,
No.6, Sansad Marg,
New Delhi - 110 001.

2.The Inspector of Police,
Medical College Police Station,
Thanjavur District.

3.The Principal Nodal Officer,
Axis Bank Ltd., NPC1, 5th Floor, Gigaplex,
Plot No.1. T5 MDC, Airoli Knowledge Park,
Mumbai - 400 708.

4.The Branch Manager,
Axis Bank, Thillainagar Branch,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing first respondent to take appropriate action against the fourth respondent by cancelling the license issued to him



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for deliberately violating the guideline dated on 24.04.2008, DBOD.No.Leg.BC.75/09.07.005/2007-08 issued by him and consequently, direct the first and second respondents to recover the VOLVO bus Vehicle bearing PY-05 J 6199 and hand over the same to the petitioner, by considering his representation dated 13.10.2021, within a stipulated time that may be fixed by this Court.

For Petitioner	:	Mr.A.Senthilkumar
For R1	:	No Appearance
For R2	:	Mr.R.Sivakumar Government Advocate (Criminal side)
For R3 and R4	:	Mr.Pethu Rajesh Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to take action against the fourth respondent on the ground that the fourth respondent had violated the guidelines, dated 24.04.2008 and consequently, direct the respondents 1 and 2 to recover the Volvo bus that was illegally taken away from the petitioner.

2. Heard the learned counsel appearing for the parties.



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3. The case of the petitioner is that his father had availed a loan from the fourth respondent for purchasing the Volvo bus. After the purchase of the bus, the father of the petitioner was also properly paying the monthly installments. During the Covid-19 Pandemic period, the loan amount was not able to be paid. The father of the petitioner also died on 19.09.2021. All of a sudden, on 13.10.2021, during the early hours at 03.00 a.m., the officials of the fourth respondent Bank broke open the fence and had taken away the Volvo bus.

4. The petitioner gave a complaint before the Police and the same was taken on file in C.S.R.No.388/2021. The petitioner also made representations to the first respondent, seeking for taking action against the fourth respondent Bank for having illegally removed the Volvo bus in violation of the guidelines. Since the same did not evoke any response, the present Writ Petition has been filed before this Court.

5. When the matter was taken up for hearing, the learned Standing Counsel appearing on behalf of the fourth respondent submitted that the Volvo bus was under the hire purchase scheme and that since the loan was



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not settled, the bus was removed and it was brought for sale. After the bus was sold, when an attempt was made to register the vehicle in respect of the prospective buyer, the same was resisted by the petitioner and hence, the fourth respondent also filed a Writ Petition before the Principal Seat of this Court in W.P.No.26370 of 2022. This Writ Petition was disposed of by an order dated 20.12.2022. This Court interfered with the decision taken by the authorities, not to register the vehicle in favour of the prospective buyer and had directed the Regional Transport Officer to remove the blacklisting entry for the vehicle.

6. In the considered view of this Court, the bus was purchased under a hire purchase scheme. As per law, till the final installment is paid under the hire purchase, the fourth respondent Bank will be treated as the owner of the bus. Probably, the fourth respondent had chosen an odd hour to take away the bus from the petitioner. In view of the same, the complaint was given against the fourth respondent before the Regional Transport Officer on the ground that the guidelines were not followed. Now that, the bus has already been sold and the consideration has already been adjusted towards the loan account, issuing any directions in this Writ Petition will virtually amount to



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flogging a dead horse. The matter has almost become stale. Therefore, this

Court is not inclined to pass any further orders in this Writ Petition.

Accordingly, this Writ Petition stands dismissed. No costs. If the petitioner wants to claim any compensation against the fourth respondent Bank, it is left open to him to work out his remedy in the manner known to law.

NCC : Yes/No

Index : Yes/No

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13.12.2023

To

- 1.The Authorised Officer,
Reserve Bank of India,
No.6, Sansad Marg,
New Delhi - 110 001.
- 2.The Inspector of Police,
Medical College Police Station,
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N.ANAND VENKATESH, J.

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