



W.P(MD)No.25450 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25450 of 2023

T.Sathish

... Petitioner

Vs.

1 The Director,
Reserve Bank of India,
Fort Glacis, 16, Rajaji Road,
Fort St. George, Chennai.

2.The Manager,
Cholamandalam Investment and Finance Company Limited,
Head Office, No.2, Dare House, 1st Floor,
NSC Bose Road, Parrys, Chennai - 600 001.

3.The Branch Manager,
Cholamandalam Investment and Finance Company Limited,
No.2/3, GV Complex, 3rd Floor,
Melakkal Main Road,
Kochadai, Madurai - 625 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to direct the 2nd and 3rd respondent to refund the petitioner's amount a sum of Rs.7,00,000/- paid towards E-Auction along

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with interest, by considering the petitioner's representation dated 05.08.2023, within the time stipulated by this Court.

For Petitioner : Mr.S.Vikram

For Respondents : Mr.P.Pethurajesh,
Standing Counsel for R2 & R3.
No appearance for R1.

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents 2 and 3.

2.The writ petitioner participated in the e-auction conducted by the respondents 2 and 3. The petitioner had paid a sum of Rs.7,00,000/- towards EMD. It appears that he did not make any further payment. The respondents 2 and 3 had forfeited the said amount. To recover the same, the present writ petition has been filed.

3.I am of the view that since Cholamandalam Investment and Finance Company Limited is not state instrumentality within the meaning



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of Article 12 of the Constitution of India, this writ petition is not maintainable. The petitioner will have to work out his remedy elsewhere.

I make it clear that I have not gone into the merits of the matter.

4. With this liberty to the petitioner, this writ petition is dismissed.

No costs.

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

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