



W.P(MD)No.27632 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27632 of 2023

and

W.M.P(MD)No.23925 of 2023

R.Chandran

... Petitioner

Vs.

1.Reserve Bank of India,
No.6, Sansad Marg,
New Delhi – 110 001.

2.The Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.

3.The Branch Manager,
Cholamandalam Investment and
Finance Company Limited,
Ground Floor, No.4-35,
Shop No.A-19, Padmanaba Complex,
Market Road, Near New Bus Stand,
Marthandam,
Kanyakumari District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to direct the third respondent to hand over possession of the seized Auto Dost bearing Registration No.TN75AL5136 in favour of the petitioner forthwith.

For Petitioner : Mr.R.Russel Raj

For Respondents : Mr.A.Albert James
Government Advocate (crl.side) for R.2

Mr.B.Janathkumar for R.3

ORDER

The petitioner had availed vehicle loan from the third respondent. He committed default. That led to recovery of the vehicle. The petitioner had filed this writ petition for directing the third respondent for handover possession.

2. I am clearly of the view that the writ petition is not maintainable. However, the third respondent on their own submitted that if the petitioner pays all the necessary charges including the pending dues



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they would consider returning the vehicle. It is not in dispute that the petitioner has to pay the borrowed amount in 48 installments. The petitioner had paid 15 installments. As of now 4 installments are due. One EMI comes to Rs.16,737/-. The petitioner's pending dues alone would come to Rs.66,401/-.

3. The petitioner also has to pay penal charges of Rs.15,195/-, cheque bouncing charges Rs.13,348/- and recovery charges of Rs. 17,000/-. These three heads would put together and the petitioner's current liability come to Rs.1,18,000/-. Upon the petitioner remitting the said sum directly to the third respondent through Demand Draft, the third shall return the vehicle and regularise the petitioner's account. The petitioner through his counsel gives an undertaking that he will remit the future dues without default. The petitioner also would ensure that the cheques given by him are honoured. The petitioner also gives further undertaking through his counsel that he will withdraw the Police complaint given against the third respondent. These undertakings are recorded.



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4. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 29.11.2023

To

1. Reserve Bank of India,
No.6, Sansad Marg,
New Delhi – 110 001.
2. The Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.
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Cholamandalam Investment and
Finance Company Limited,
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Marthandam,

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Kanyakumari District.



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G.R.SWAMINATHAN, J.

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