



W.P.No.27841 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27841 of 2024

M.Bhuvaneshwari

... Petitioner

Vs.

1.M/s.Reserve Bank of India,
No.16, Fort Glacis,
Rajaji Road,
Fort St.George,
Chennai-600 001.

2.Volkswagen Finance Private Limited,
No.3, A Wing, Sliver Utopia,
Cordinal Gracious Road,
Chakala, Andheri East,
Mumbai-400 099.

3.Kotak Mahindra Prime Limited,
No.5/330, Sonia Plaza,
State Bank Colony,
Junction Main Road,
Near Avr Circle,
Salem-636 004.



W.P.No.27841 of 2024

4.The Manager,
Audi Car Dealers,
T-Nagar,
Chennai-600 017.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to consider the online application dated 29.01.2024 and direct the third respondent to issue No Objection Certificate to the petitioner for the Vehicle bearing No.TN 77 S 0006.

For Petitioner : Mr.M.Abdul Kareem

ORDER

This Writ Petition has been filed to direct the first respondent to consider the online application of the petitioner dated 29.01.2024 and direct the third respondent to issue No Objection Certificate to the petitioner for the Vehicle bearing No.TN 77 S 0006.

2. The case of the petitioner is that the petitioner purchased a car



W.P.No.27841 of 2024

WEB COPY

from the fourth respondent and availed loan from the second respondent on 10.08.2018 for a sum of Rs.33,00,000/- and the rate of interest was fixed as 9.64% for a period of 60 months. The petitioner has been paying the loan EMI without any default. The second respondent has transferred the loan EMI to the third respondent and at the time of transferring the loan process, the second respondent has added additional four more EMI's without the knowledge of the petitioner and the third respondent has issued a legal notice on 30.12.2023 to the petitioner to repay the additional EMI's. Aggrieved over the same, the petitioner has made an online complaint before the first respondent on 29.01.2024 to direct the third respondent to issue No Objection Certificate, however, no action has been taken. Hence, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the first respondent is directed to dispose of the online application of the petitioner, dated 29.01.2024 on merits and in accordance with law, within a specified period.



W.P.No.27841 of 2024

WEB COPY

4. Heard the learned counsel appearing for the petitioner.

5. From the facts narrated above, it reveals that it is a car loan transaction between the petitioner and the second respondent and it has to be ventilated only before the civil Court or before the first respondent, namely, the Reserve Bank of India and instead of approaching the civil Court and the Reserve Bank of India, filing the present writ petition under Article 226 of the Constitution of India is not sustainable one and hence, the prayer sought for in the present writ petition cannot be granted by this Court.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

24.09.2024

NCC: Yes / No
Index : Yes / No

Page 4 of 6



W.P.No.27841 of 2024

Speaking Order : Yes / No

ssb

To

- 1.M/s.Reserve Bank of India,
No.16, Fort Glacis,
Rajaji Road,
Fort St.George,
Chennai-600 001.
- 2.Volkswagen Finance Private Limited,
No.3, A Wing, Sliver Utopia,
Cordinal Gracious Road,
Chakala, Andheri East,
Mumbai-400 099.
- 3.Kotak Mahindra Prime Limited,
No.5/330, Sonia Plaza,
State Bank Colony,
Junction Main Road,
Near Avr Circle,
Salem-636 004.
- 4.The Manager,
Audi Car Dealers,
T-Nagar,
Chennai-600 017.



WEB COPY



W.P.No.27841 of 2024

M.DHANDAPANI, J.

ssb

W.P.No.27841 of 2024

24.09.2024