



W.P(MD)No.5014 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5014 of 2024

Nallasivam

... Petitioner

Vs.

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

2.The Inspector of Police,
V.K.Pudur Taluk,
Tenkasi District.

3.The Branch Manager,
Cholamandalam Investment and
Finance Company Limited,
Yaanaai Palam,
Tenkasi.

... Respondents

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 the possession of the seized Vehicle bearing Registration No.TN-76-AS-3487 in favour of the petitioner under the custody of the second respondent.



W.P(MD)No.5014 of 2024

For Petitioner : Mr.R.Chandrasubramanian
For Respondents : Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate (Criminal Side) appearing for the second respondent.

2.The petitioner had availed vehicle loan from the third respondent. The grievance of the petitioner is that the vehicle was illegally seized by the third respondent through his henchmen. The petitioner wants this Court to direct the authorities to take charge of the vehicle and hand over the same to the petitioner.

3.Such a relief cannot be granted. Admittedly, the relationship between the parties is governed by the terms and conditions set out in the contract. The writ Court will not be justified in interfering in the matter. If the petitioner had committed default, as per the contractual terms and conditions, the financiers are definitely entitled to take possession.



W.P(MD)No.5014 of 2024

These are not matters in which public law remedy can be invoked. The petitioner is directed to work out his remedy as provided by the contract between him and the third respondent. The writ Court cannot grant any relief.

4.This writ petition stands dismissed. There shall be no order as to costs.

04.03.2024

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

To

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W.P(MD)No.5014 of 2024

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.5014 of 2024

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