



W.P.(MD)No.4533 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.4533 of 2017

and

W.M.P.(MD)No.3625 of 2017

N.Paramasivan

... Petitioner

/Vs./

1.The Superintendent of Police,
Tuticorin District.

2.The Inspector of Police,
Pudukottai Police Station,
Tuticorin District.

3.The Regional Transport Officer,
Regional Transport Office,
Korampallam, Tuticorin District.

4.The Manager,
Tata Motors Finance,
No.75, Tiruppur Towers,
Palayam Bus Stand Opposite,
Tirunelveli District-627 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take necessary action against the fourth respondent for the illegal dispossession of the petitioner's Tata Ace Vehicle bearing Registration No.TN-69-AM-0960 and further directing the fourth respondent to return the vehicle bearing registration No.TN-69-AM-0960 to the petitioner.



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For Petitioner : Mr.R.Maheswaran
For R1 & R2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R3 : Mr.A.Baskaran
Additional Government Pleader

ORDER

The petitioner alleging that the fourth respondent had illegally dispossessed the vehicle of the petitioner, has filed this writ petition to initiate action against the fourth respondent for such illegal dispossession and to direct the fourth respondent to return the vehicle to the petitioner.

2.The case of the petitioner is that he had purchased a TATA Ace Vehicle bearing registration No.TN-69-AM-0960, by obtaining financial assistance for a sum of Rs.3,68,000/- from the fourth respondent finance company for doing agricultural activities. He had been paying the monthly installments regularly. Due to some monsoon failure, the petitioner was unable to pay the installment for the month of February 2017. Hence, the fourth respondent seized the vehicle for non payment of monthly installment.

3.The learned counsel for the petitioner submits that the fourth respondent has taken the vehicle of the petitioner, without his knowledge and has also



dispossessed the vehicle. According to the learned counsel for the petitioner, the petitioner has availed a loan for a sum of Rs.3,68,000/- for purchasing the vehicle in question. Out of this loan amount, the petitioner had repaid a sum of Rs.2,28,820/- and only a sum of Rs.1,10,364/- is due. The petitioner prepared to pay the balance amount also. However, without any notice to the petitioner, the fourth respondent had dispossessed the vehicle illegally. Hence, the petitioner is constrained to file this writ petition.

4.The petitioner seeks relief as against the fourth respondent, a private finance company. The petitioner has not made out any case as against the official respondents 1 to 3. Though this writ petition was filed in the year 2017, the same was not entertained by this Court for the past about five years.

5. When this writ petition was taken up for hearing on 21.03.2017, a representation was made by the learned counsel for the petitioner that the petitioner is not pursuing the writ petition, accordingly, this matter was directed to be listed under the caption 'for withdrawal' on 23.03.2017. Thereafter, the caption was directed to be removed. Even, no notice was ordered. Since the relief sought for in this writ petition is as against a private finance company, this Court is not inclined to entertain this petition.



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6.In view of the facts discussed above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2024

Index : Yes / No

Internet : Yes / No

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To

- 1.The Superintendent of Police,
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Tuticorin District.
- 3.The Regional Transport Officer,
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Korampallam, Tuticorin District.



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B.PUGALENDHI,J.

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