



W.P.(MD) No.23715 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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...Petitioner

-VS-

1.The Regional Director,
Reserve Bank of India,
Department of Non-Banking supervision
Regional Office, Fort Glacis No.16,
Rajaji Salai, Chennai-600 001.

2.The Authorized Signatory,
Kodak Mahindra Prime Ltd., (KMPL),
27 BKC, C-27, G-Block,
Bandra Kurta Complex,
Bandra East, Mumbai-400 051.

3.The Authorized Signatory,
Kodak Mahindra Prime Ltd., (KMPL),
2nd Floor, IVY, Tower,
No.58, Trivandram Road, Palayankottai,
Tirunelveli-627 002.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, to consider the petitioner's representation dated 30.08.2024.



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For Petitioner : Ms.G.Dhanalakshmi

ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 30.08.2024 submitted before the respondents to get back his car.

2.Considering the nature of order proposed to be passed in this writ petition, notice to the respondents is dispensed with and this writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, the petitioner has availed loan from the second respondent Bank and the petitioner committed default in repaying the loan. Hence, the second respondent took his car exercising the power provided in the purchase agreement executed in this regard. In the arbitration proceedings initiated in this regard by the respondent Bank, an award has been passed on 12.09.2024, in which a direction was given to the petitioner to pay the remaining amount or to surrender his car. According to the petitioner, now he is willing to pay the arbitral award and get back his car. In this regard, he submitted a representation

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before the respondents. Since the same was not considered, the petitioner has filed this writ petition.

4. Considering the facts and circumstances of the case, this Court is of the view that this writ petition is misconceived. The relief sought for by the petitioner cannot be granted in a writ petition. If at all the car is sold pursuant to the hire-purchase agreement and the arbitration award, it is for the petitioner to approach the concerned District Court challenging the award passed in the arbitration proceedings. I do not find any merits in this writ petition.

5. Accordingly, this writ petition stands dismissed. No costs.

04.10.2024

Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J.

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