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W.P. No.39877 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.39877 of 2025

Pazhanivel.N

Petitioner

Vs

1. HDFC Bank Limited
Represented by its Branch Manager,
Kallakurichi Branch, Kallakurichi.

2.The Superintendent of Police
Kalaivani School, Salem Main Road,
Kallakurichi District – 606 202.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the 1st respondent to return the tractor No. TN 15 MF 7516 or in the failure thereof direct the 2nd respondent to restore the aforesaid vehicle to the petitioner.

For petitioner : Ms.V. Srimathi
For respondents : Mr.C. Mohan
for Ms.A. Remy Josephine Mary
for M/s.King & Patridge for R1
Mr.S. Balaji
Government Advocate (Crl. Side) for R2



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ORDER

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The relief sought in this writ petition is a direction to the 1st respondent to return the tractor No. TN 15 MF 7516 or in the failure thereof, direct the 2nd respondent to restore the aforesaid vehicle to the petitioner.

2. It is averred that the petitioner had purchased an Eicher tractor after exchanging his earlier tractor, by availing a loan of Rs.6,40,000/- from the 1st respondent bank. The said vehicle was purchased through the 1st respondent, and certain employees of the bank demanded an additional amount at the time of processing the loan. Subsequently, the vehicle was seized by the 2nd respondent. After the petitioner lodged a complaint before the appropriate authority, the tractor was finally registered on 18.07.2024, and following certain formalities, the vehicle was returned to the petitioner.

3. It is further stated that nearly nine months were lost during the said process, and during that period, the 1st respondent repeatedly approached the petitioner alleging arrears in repayment. It is the grievance of the petitioner that, without issuing any prior notice or following due process, the 1st respondent unlawfully seized the petitioner's tractor once again on 18.07.2025. The



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petitioner submits that the bank has no authority to engage private agents or rowdy elements to seize a borrower's vehicle in such a manner. Due to the said illegal seizure, the petitioner was unable to carry out his agricultural operations and suffered severe hardship. Hence, he has filed this writ petition seeking appropriate directions to the respondents to return his tractor forthwith.

4. Learned counsel for the petitioner submitted that on exchange of petitioner's earlier vehicle, the 1st respondent had sanctioned a loan of Rs.6,40,000/- for the purchase of an Eicher tractor and the petitioner had been regularly paying the instalments, and there was no willful default. However, certain employees of the 1st respondent demanded additional amounts at the time of processing the loan, and later, without serving any prior notice or following due procedure, the petitioner's tractor was unlawfully seized by the 1st respondent unlawfully on 18.07.2025 by employing private agents.

5. Learned counsel further submitted that the said act of seizure is wholly arbitrary, and in violation of the guidelines issued by the Reserve Bank of India, which specifically prohibit banks from engaging unauthorised persons for repossession of vehicles. The petitioner has been deprived of the use of his tractor, which is essential for carrying out his agricultural operations, resulting



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in great hardship and loss. Hence, he prays that suitable directions may be issued to the respondents to return the tractor forthwith and to take appropriate action against those responsible for the illegal seizure.

6. Learned counsel for the 1st respondent submitted that the petitioner had committed default in repayment of several instalments under the loan account, despite repeated reminders and notices. He further submitted that the bank had followed due procedure for recovery as per the terms of the loan agreement and that the vehicle was seized in accordance with the contractual conditions. The respondents deny the allegation of employing unauthorised persons for seizure and contend that the petitioner is liable to clear the outstanding dues as per the loan agreement. On the aforesaid score, he prays for dismissal of this writ petition.

7. Heard the learned counsel on either side and perused the entire records placed before this Court.

8. This Court finds that the dispute raised by the petitioner pertains purely to a financial transaction between the petitioner and the 1st respondent bank with regard to the loan availed for purchase of the tractor. Such issues involve



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disputed questions of fact, and the same cannot be agitated by exercising the powers under Article 226 of the Constitution of India. The appropriate course for the petitioner is to approach the competent civil court for ventilating his grievances.

9. In view of the above, the writ petition is dismissed, granting liberty to the petitioner to work out his remedy in the manner known to law. No costs.

25.10.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To
1. The Branch Manager,
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Kallakurichi Branch, Kallakurichi.

2. The Superintendent of Police
Kalaivani School Road,
Salem Main Road,
Kallakurichi District – 606 202.



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M. DHANDAPANI, J.

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