



W.P.(MD) No.14875 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.14875 of 2025

D.John Stephen

... Petitioner

Vs

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

2. Cholamandalam Investment and
Finance Company Limited,
Represented by its Authorised Signatory,
Dare House
No.2, Nsc Bose Road,
Parrys, Chennai - 600 001.

3. Cholamandalam Investment and Finance Company Limited,
Rep. by its Branch Manager,
Nagercoil Branch,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



W.P.(MD) No.14875 of 2025

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issuance of Writ of Mandamus to direct the 2nd and 3rd respondents to lift the attachment made on petitioner's property with land and building bearing in Survey No. 420/5A, situated at Arudesam Village, Vilavancode Taluk, Kanyakumari District.

For petitioner : Mr. R.Aravindraaj

For respondents : Mr.B.Janarth Kumar for R2 & R3

ORDER

This Writ Petition is disposed of at the time of admission, after hearing the learned counsel for the petitioner and learned counsel for the respondents 2 and 3 and after dispensing with the notice to the first respondent.

2. The petitioner is before this Court for a Mandamus to direct the respondents 2 and 3 to lift the attachment made on petitioner's property with land and building bearing in Survey No. 420/5A, situated at Arudesam Village, Vilavancode Taluk, Kanyakumari District.

3. It is the case of the petitioner that the petitioner had availed a vehicle loan from the third respondent. At the time of taking loan from the third respondent, the petitioner had offered that the vehicle was subject to



W.P.(MD) No.14875 of 2025

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hypothecation. Since the petitioner has defaulted in making payment, the respondents 2 and 3 had moved an application in No.6346 of 2015 under Section 9 of the Arbitration and Conciliation Act, 1996, wherein, an order came to be passed on 15.04.2016, whereby the petitioner's immovable property was attached.

4. It is the specific case of the petitioner that the petitioner has discharged the dues and that the respondents 2 and 3 have given no objection for cancelling hypothecation of the vehicle.

5. As far as the subject property is concerned, which was attached by an order dated 15.04.2016 in application No.6346 of 2015, the respondents 2 and 3 have not taken any steps for raising the order of attachment.

6. It is an admitted position that the case did not go for arbitration and therefore, liberty, granted by this Court allowing the parties to move suitable application under Section 17 of the Arbitration and Conciliation Act, 1966, did not arise, as the petitioner has paid the amount and the facts remains that the petitioner has discharged the vehicle loan and the charge that was credited in



W.P.(MD) No.14875 of 2025

WEB COPY
favour of the respondents.

7. The third respondent should have lifted the attachment. However, the attachment, pursuant to the order, dated 15.04.2016 in application No.6346 of 2015, still continues. The attachment order has to be raised over by the petitioner or by the respondents 2 and 3, who had moved application No.6346 of 2015.

8. Since the loan has been discharged, there shall be a positive direction to the respondents 2 and 3 to move suitable application to raise the order of attachment to facilitate the petitioner to take steps to make suitable corrections with the concerned Sub Registrar, after lifting the documents within a period of four weeks from the date of receipt of a copy of this order.

9. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No
Internet : Yes / No
apd

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W.P.(MD) No.14875 of 2025

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W.P.(MD) No.14875 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No.14875 of 2025

13.06.2025