



W.P.(MD)No.23275 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2025

CORAM

THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.23275 of 2023 &
W.M.P(MD)No.19489 of 2023

Uma Maheshwari

...Petitioner

vs.

1.The District Collector,
O/o District Collector Office,
Tenkasi District

2.The Regional Transport Officer,
O/o Regional Transport Office,
Sankaran Taluk,
Tenkasi District

3.The Superintendent of Police,
O/o Superintendent Police Office,
Sankaran Kovil Taluk,
Tenkasi District

4.The Inspector of Police,
O/o Puliyangudi Police Station,
Tenkasi District

5.The Branch Manager,
O/o IndusInd Bank Consumer Finance Division,
Tenkasi Branch, Tenkasi District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondent No.1 to consider the representation sent by the petitioner dated 08.09.2023 and consequently give



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direction to respondent No.3 to take appropriate legal action against respondent No.5 and make them to return the vehicle who had illegally re-possessed petitioner's 4 wheeler vehicle bearing Registration No.TN 79 H 3436 and auctioned it without petitioner's knowledge since the same is necessary for the petitioner to lead his livelihood.

For Petitioner	: Mr.S.M.A.Jinnah
For R1 & R2	: Mrs.K.Malathi Additional Government Pleader
For R3 & R4	: Mr.A.Albert James Government Advocate (Crl.side)
For R5	: No appearance

ORDER

This Writ Petition has been filed to direct the respondent No.1 to consider the representation sent by the petitioner dated 08.09.2023 and for a consequential direction to the respondent No.3 to take appropriate legal action against respondent No.5 and make them to return the vehicle who had illegally re-possessed petitioner's 4 wheeler vehicle bearing Registration No.TN-79-H-3436 and auctioned it without petitioner's knowledge since the same is necessary for the petitioner to lead his livelihood.

2.The case of the petitioner is that the petitioner obtained a vehicle loan from the fifth respondent on 31.01.2020 and the petitioner had paid the loan amount without pending till the booming spread of Covid-19. Due to non-payment of monthly due for the period of three months, the fifth



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respondent unlawfully trespassed into the petitioner's house and seized the 4 wheeler vehicle of the petitioner. According to the petitioner, the petitioner came to know the fact that the petitioner's vehicle was forcibly seized by the fifth respondent only on receiving the re-possession notice sent by the fifth respondent, which was sent belatedly.

3. The learned counsel for the petitioner submits that the fifth respondent has not followed the Rules prescribed under SARFAESI Act in re-possessing the vehicle. The learned counsel further submits that the petitioner obtained loan under 'no interest scheme' and the fifth respondent demanded huge amount as exorbitant interest, which is arbitrary before the court of law.

4. It is also submitted by the learned counsel for the petitioner that the petitioner lodged a complaint before the fourth respondent in this regard and due to lethargic act of the fourth respondent, the vehicle was sold out on auction. According to the learned counsel for the petitioner, before proceeding to consider the name changing application, the second respondent ought to have get prior permission from the petitioner, who is the prior owner of the vehicle.



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5. Per contra, the learned Additional Government Pleader appearing for the respondents 1 and 2 submits that since the petitioner failed to pay the entire amount, the Car was brought on auction.

6. Heard both sides and perused the materials available on record.

7. There is no dispute regarding the facts that the Car stood in the name of the petitioner and a loan was obtained from the fifth respondent. The only dispute is with regard to quantification of the loan amount. The petitioner contends that the entire loan amount was paid. It is stated that the vehicle was sold out on auction since there was default of payment. Such dispute cannot be resolved by this Court. The petitioner can approach the civil court to resolve such dispute.

8. With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

11.12.2025

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

CM



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KRISHNAN RAMASAMY, J.

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