

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 10476 of 2015
Date of decision : 24.9.2015**

M/s Gopal Trading Company, Ludhiana

.....Petitioner

v.

The State of Punjab and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present : Mr. J.S. Bedi, Advocate, for the petitioner
Mr. Jagmohan Bansal, Addl. AG, Punjab

Ajay Kumar Mittal, J.

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India is for issuance of writ of mandamus directing any independent agency to conduct the independent and impartial enquiry to find out the role of respondent No.3, who exercised his official powers in an illegal and arbitrary manner in recovering ₹ 4,86,740/-from the petitioner without any liability and issuance of any notice.

2. Learned State counsel submitted that the truck bearing No. PB08K 5072 loaded with cigarettes has since been released. It is further submitted that an order imposing penalty, has been passed on 2.3.2015 which was communicated to the assessee on 26.8.2015. It was stated that the said order is appealable. It was urged that the present writ petition has been rendered infructuous and may be disposed of as such. This fact has not been denied by learned counsel for the petitioner.

3. In view of the above, this writ petition is disposed of as infructuous.

**(AJAY KUMAR MITTAL)
JUDGE**

**(RAMENDRA JAIN)
JUDGE**

24.9.2015

Ashwani