

THE HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.4776 of 2013

ORDER:

There is no representation on behalf of the petitioner even though the matter is listed today under the caption "for dismissal." From this, it appears that the petitioner is not interested to prosecute the matter diligently. Even otherwise from the perusal of the affidavit filed in support of the Writ Petition, it appears that there are disputes between the petitioner and the 3rd respondent regarding purchase of vehicle under Hypothecation Agreement. Any dispute arose in violation of the conditions of the Hypothecation Agreement, the petitioner has to workout its remedy before the competent Court as per law.

2. Learned Assistant Government Pleader for Home appearing for respondent No.1 brought to the notice of this Court that on the complaint lodged by the Panchayat Secretary, a case in Crime No.75 of 2010 was registered on 22.08.2010 under Sections 278 and 279 I.P.C. After completion of investigation, final report was filed and the same was taken on file as C.C.No.169 of 2015. Learned Assistant Government Pleader for Home also brought to the notice of this Court that the above said case was registered on the complaint made by the Panchayat Secretary since the subject vehicle was carrying some chemicals. After seizure, the said vehicle was handed over to the 2nd respondent. The above said case ended in acquittal. That apart, if the petitioner has got any dispute with the 3rd respondent, more particularly for enforcement of its right and interest pursuant to the Hypothecation Agreement, it has to workout the remedies before the competent Civil Court. The disputed questions of fact cannot be

decided in the writ petition filed under Article 226 of the Constitution of India.

3. Therefore, this Court is of the opinion that there are no merits in the writ petition.

4. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P. KESHA RAO

1st October, 2019

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Date:01.10.2019

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