

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-5422-2019

Date of Decision: 28.2.2019

Devinder Paul Singh

...Petitioner

Versus

Indusind Bank and another

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

PRESENT: Mr. Gaurav Singla, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ of mandamus directing respondent No.1 to release his bus mark Ashok Leyland having registration No. UP-15-CT-4209 after receipt of the payment of installments and to regularize his account or to decide the representation dated 11.2.2019 (Annexure P-2) moved by the petitioner.

2. In the year 2016, the petitioner purchased a bus mark Ashok Leyland bearing registration No. UP-15-CT-4209 (Annexure P-1) after obtaining loan of ₹ 17,59,125/- at a installment of ₹ 38,000/- per month from respondent No.1. The petitioner used to ply the bus in Uttar Pradesh for tourist/private parties etc. as is clear from the permit (Annexure P-1). The petitioner used to make the installments in time. However, he had failed to deposit the installments of October and November, 2018 but

6.2.2019, when the bus had gone from Meerut to Aligarh with a tourist party, the recovery agent of respondent No.1 seized the bus in Aligarh. The petitioner moved a representation dated 11.2.2019 (Annexure P-2) to respondent No.1 for release of the bus after receipt of the payment of installments due and to regularize his account, but to no effect. Thereafter, the petitioner sent a representation dated 11.2.2019 (Annexure P-3) to respondent No.2 for the release of the bus from the possession of respondent No.1 after receipt of due installments, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved the representations dated 11.2.2019 (Annexures P-2 and P-3, respectively) to the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.1 to take a decision on the representation dated 11.2.2019 (Annexure P-2), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one week from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

February 28, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE