

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

CWP No. 9877 of 2020
Date of decision : 15.07.2020

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Kamla Devi

.....Petitioners

Vs.

Allahabad Bank and another

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. S.S. Sahu, Advocate,
for the petitioner.

(Proceedings are being conducted through
video conferencing, as per instructions).

G.S. Sandhawalia, J. (Oral)

The present writ petition has been filed under Articles 226 and 227 of the Constitution of India in the nature of mandamus to direct the respondents not to harass the petitioner, who is the widow of deceased Chander Pal, who obtained loan limit of Rs.26.50 lacs for purchase of New TATA LPT 3718/68 and for body fabrication M/s. Pass Motor, Shop No. G-35, which was sanctioned by the respondent. The same was approved subject to coverage in tie up with the LIC of India/TATA AIG Life Insurance Company Ltd.

The petitioner is also aggrieved against the issuance of the notice dated 04.03.2020 (Annexure P-3) whereby, she has been asked to deposit the amount within 15 days of the notice otherwise the vehicle bearing registration no. HR/73A3360 would be entitled to be seized by the bank for purposes of recovering the bank dues.

There is nothing on record to show that the petitioner has approached and replied to the notice of the respondent-bank at the first instance for redressal of grievances, which she has sought to raise in this

writ petition. It is settled principle that for issuance of a writ in the nature of mandamus, the respondents have to be approached at the first instance and there has to be denial or inaction on the part of the respondents before the writ Court can be approached for issuance of directions to the respondents to act in accordance with law. It is also to be noticed that the interest of the bank allegedly is secured on account of the premium paid to the New India Assurance Company Ltd. and the premium was being paid by the loanee as per the terms of the loan. The said insurance company has also not been made party in the present writ petition.

Faced with these circumstances, counsel for the petitioner does not wish to press the present writ petition and prays for withdrawal of the same with liberty to approach the respondents for the necessary relief, firstly.

Ordered accordingly.

However, in case any such representation is made to respondent no. 2 within a period of 15 days from today, it is expected that respondent no. 2 shall consider the said representation and pass a speaking order on the same within 4 weeks thereafter before proceeding to act upon the said notice.

15.07.2020
shivani

(G.S. Sandhawalia)
Judge

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No