

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

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**IN VIRTUAL COURT**

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**CWP No. 11900 of 2020  
Date of decision : 15.2.2021**

**Amandeep Singh**

**.....Petitioner**

**Vs.**

**State of Punjab and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Karan Bhirdwaj, Advocate, for the petitioner

Mr. Ayush Sarna, AAG, Punjab

Mr. Nitin Thatai, Advocate, for respondents No.7 and 8

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**Rajbir Sehrawat, J. (Oral)**

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus, directing respondents No. 1 to 6 to take appropriate legal action against respondents No. 7 and 8, who forcibly recovered the Truck of the petitioner bearing registration number PB-46-M-8088, which is against the notification dated 28.9.2006 (Annexure P-6), issued by respondent No. 2/Reserve Bank of India; and which is in violation of fair practices code framed by respondents No. 7 and 8, as per guidelines dated 28.9.2006 (Annexure P-6); and also in violation of judicial pronouncements of the Supreme Court rendered in **ICICI Bank Ltd. v. Parkash Kaur and others, JT 2007(4) SC 39'**, as well as, of this High Court rendered in **'Narinder Kumar Singla v. State of Punjab, 2006 (3)**

**RCR 890'**. It is further prayed that respondent No. 7 be directed to restore the

possession of above said truck to the petitioner and the petitioner be compensated by the respondents in violation of the petitioner's right to livelihood.

On the previous date, this Court has passed the following order :

“It is submitted by the learned counsel for the petitioner that some of the payments have already been made pursuant to the order dated 17.08.2020. The petitioner has gone to the office of respondent Nos.7 and 8 for depositing some of the amount today also. It is further submitted that he has got the instructions to submit that the entire amount of upto date outstanding installments, as well as, the current installments up to the month of February, 2021 shall be paid by the petitioner by 09.02.2021. Therefore, the possession of the petitioner of the vehicle in question be protected.

Learned counsel for the respondent Nos.7 and 8 has submitted that the petitioner has not complied with the previous order. He has not made the payments as per the previous order so far. It is further submitted that he has sent the copy of the statement of the loan amount to the learned counsel for the petitioner. The petitioner can clear the same and make payments up to date.

In view of the above, the case is adjourned to 15.02.2021.

In the meantime, if the petitioner pays the entire outstanding amount up to date, as well as, the current installments payable up to the month of February, 2021 by 09.02.2021 then the respondents shall not disturb the possession of the petitioner over the vehicle in question.

However, if the petitioner does not comply with this undertaking/order then respondent Nos.7 and 8 shall be entitled to take the possession of the vehicle from the petitioner after 09.02.2021.

It is further ordered that the respondents No.7 and 8 would not create any further hurdle in the way of the petitioner qua making of the payments; if he approaches the respondents for that purpose.”

Today the counsel for respondents No. 7 and 8 has pointed out that the petitioner has not made the payment as per the terms of the previous order.

The counsel for the petitioner has not been able to dispute the said fact, rather, he has admitted that there are still unpaid arrears which the petitioner is required to clear.

In view of the above, this court does not intend to proceed further with the matter and to interfere in the case, in any manner, whatsoever.

Hence, the present petition is dismissed.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**15.2.2021**

*Ashwani*

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|-------------------|---|--------|
| Speaking/Reasoned | : | Yes/No |
| Reportable        | : | Yes/No |