

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

225

CWP-17811-2020

Date of decision: 07.09.2022

RANJIT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- None for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. H.P.S. Kochhar, Advocate
for respondents No.4 to 6.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Article 226/227 of the Constitution of India for the issuance of writ in the nature of Mandamus directing the officials respondents No.2 and 3 to take appropriate action against the respondents No.4 to 6 who are trying to forcibly take away the vehicle of the petitioner bearing registration No. PB-13-AW-7131 and further prayer to direct the respondents No.4 to 6 not to take the forcible possession of the vehicle by going against the mandate of the Hon'ble Supreme Court of India laid down in the judgment titled "*Manager, ICICI Bank Ltd. Versus Prakash Kaur & Others*" reported as RCR Cri 2007 (2) 76.

It has been noted that there has no representation on behalf of the petitioner successively on the last two occasions.

Vide order dated 03.08.2022, it was recorded by the Co-ordinate Bench of this Court as under:

“Learned counsel for respondents No.4 to 6 submits that the vehicle is still in possession of the petitioner. Petitioner has settled the account and necessary no dues certificate has been issued by the private respondents. Nothing survives in this petition.

There was no representation on behalf of the petitioner on 02.03.2021.

Since the case is being taken up out of turn, therefore, one opportunity is required to be given to learned counsel for the petitioner to respond to the statement made by learned counsel for respondents No.4 to 6.

Adjourned to 07.09.2022.”

Learned counsel appearing on behalf of respondents No.4 to 6 reiterates that the vehicle in quesiton is in possession of the petitioner and the NOC stands issued pursuant to the settlement of the Accounts and no further grievance of the petitioner survives in the present petition.

Taking into the consideration the continued absence and failure of the petitioner to respond to the aforesaid averment made by the counsel for the respondents No.4 to 6 for which opportunity was also granted to the petitioner, it seems that there is no surviving cause of action and the petitioner does not intend to prosecute the instant petition any further.

Dismissed for non-prosecution.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 07, 2022

Vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No