

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

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**CWP-21973-2022 (O&M).
Date of decision: 22.09.2022.**

AXIS Bank Limited

...Petitioner

Versus

Avtar Singh and others

...Respondents

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

Present: Er. Sandeep Suri, Advocate for the petitioner.

VINOD S. BHARDWAJ. J (ORAL).

The present writ petition has been filed under Article 226 of the Constitution of India, seeking directions to respondent Nos.3 and 4 to take action against the respondent Nos.1 and 2 and further to restrain respondents from interfering in the smooth running of the banking business of the petitioner - Bank.

Learned counsel for the petitioner contends that the respondents are staging protest within the premises of the petitioner – Bank on account of the proceedings initiated under Section 138 of the Negotiable Instruments Act, 1881. He contends that business operations of the petitioner – Bank are not being allowed to perform smoothly and

despite the fact that a representation dated 04.07.2022 (Annexure P-4) has been submitted to the Senior Superintendent of Police, Ferozepur, Punjab, but no action is being taken thereupon. He contends that through the instant writ petition, a direction is sought to be issued to the respondent Nos.3 and 4 to take appropriate steps so as ensure the protection of the premises and property of the petitioner as well as smooth functioning of the banking business.

Learned counsel appearing on behalf of the petitioner – Bank contends that the petitioner – Bank had extended certain loan facilities to respondent Nos.1 and 2 and that there are various outstanding amount against the said respondents. He submits that the cheques issued by the said respondents in discharge of their legally enforceable liability upon presentation in the bank have been dishonoured and proceedings under Section 138 of the Negotiable Instruments Act, 1881, have been instituted against them which are pending in the Court of Judicial Magistrate First Class, Ludhiana and the respondents have been summoned. He contends that with a view to pressurize the petitioner – Bank, the said respondents along with approximately 30 unknown persons have entered into the premises of the petitioner – Bank and are staging a protest by forcibly sitting therein. He submits that all efforts on the part of the petitioner – Bank to convince the said group of persons have gone in vain. He submits that the petitioner – Bank has already submitted a complaint/representation dated 04.07.2022 (Annexure P-4) to the respondent authorities, however, no effective steps are being taken by them to ensure the smooth operations of the banking business and also to protect the property and liberty of the

petitioner Bank to carry on smooth operations continuously and uninterrupted. He contends that, at this juncture, the petitioner – Bank would be satisfied in case the respondent - Authorities are directed to look into the complaint/representation dated 04.07.2022 (Annexure P-4) submitted to the Senior Superintendent of Police, Ferozepur, Punjab and to redress the grievances espoused therein.

Notice of motion to respondent Nos.3 and 4, only at this stage.

Mr. Saurav Verma, Addl. A.G. Punjab, accepts notice on behalf of the aforesaid respondents and he has no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the instant petition, the present petition is disposed of with a direction to the Senior Superintendent of Police, Ferozepur, to look into the grievances espoused in the complaint/representation dated 04.07.2022 (Annexure P-4) submitted by the petitioner – Bank and to take further appropriate steps within a period of two weeks of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention here that the appropriate and effective steps shall be taken by the concerned authorities to ensure the rule of law.

September 22, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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