

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

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2023:PHHC:134706
Reserved on: 18.07.2023.
CWP-7845-2020 (O&M).
Date of Decision: 13.10.2023.

HARBHAJAN SINGH

..Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.. Respondents

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

PRESENT Mr. Karan Bhardwaj, Advocate, for the petitioner.

Ms. Niharika Sharma, AAG, Punjab,
for respondents No.1 and 4 to 6.

None for respondents No.2, 3, 7 and 8.

VINOD S. BHARDWAJ, J.

Prayer made in the present writ petition is for seeking issuance of directions to respondents No.1 to 6 to take legal action against respondents No.7 and 8/Private Finance Company against having forcibly recovered the vehicle of the petitioner bearing registration No.PB-02-DS-9913.

Learned counsel for the petitioner has argued that the petitioner had purchased the above said vehicle after obtaining loan for a sum of Rs.31,55,532/- to be repaid in 54 installments of Rs.60,800/- till 07.05.2023. It is contended that the said vehicle had been forcibly repossessed by the respondents on 21.01.2020 in violation of the guidelines framed by the Hon'ble Supreme Court and as such, they are liable to be prosecuted. Besides, the possession of the said vehicle ought to be returned to the petitioner.

Reply on behalf of respondents No. 1, 4, 5 and 6 was filed wherein it was averred no application/representation dated 21.01.2020 had been submitted by the petitioner to the office of the Senior Superintendent of Police, Tarn Taran. However, the writ petition itself was treated as a

representation and the same was marked to the Deputy Superintendent of Police, Sub Division, Patti. The inquiry into the same was conducted and statement of the petitioner and the Sarpanch of the Village were also recorded. The petitioner admitted in the said inquiry that he had not moved any application to the office of the Senior Superintendent of Police, Tarn Taran and has no grievance with the working of the police.

Further, it is also seen that there is no averment of the petitioner that the respondents No.7 and 8 are agencies and instrumentalities of the state or are discharging any public function or public duties. The copy of the agreement executed between the petitioner as well as the Finance Company has also not been appended along with the instant writ petition so as to appreciate the terms and conditions of the agreement executed between the parties.

Besides, this Court has already examined the issue of maintainability of writ petitions by the borrowers against the Finance Companies as regards the action initiated against repossession of the vehicle in CWP-7599-2020 titled as 'GURSHARAN SINGH VS. STATE OF PUNJAB AND OTHERS', decided on 06.10.2023 holding that such writ petitions are not maintainable at the behest of the borrowers against the private Finance Companies as they are not discharging any public functions or public duties.

The present writ petition is accordingly disposed of in terms of CWP-7599-2020 titled as 'GURSHARAN SINGH VS. STATE OF PUNJAB AND OTHERS', decided on 06.10.2023.

Pending misc. applications(s), if any, shall also stand(s) disposed of accordingly.

October 13, 2023.
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(VINOD S. BHARDWAJ)
JUDGE

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