

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

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**2023:PHHC:155949
CWP-11169-2023 (O&M).
Date of Decision: 06.12.2023.**

GIAN SINGH

..Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.. Respondents

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

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

Mr. Teevar Sharma, AAG, Punjab,
for respondents No.1 and 2.

Mr. Shailender Kashyap, for respondents No.3 and 4/
H.D.F.C. Bank Limited.

VINOD S. BHARDWAJ, J.

Prayer made in the present writ petition is for seeking issuance of directions to official respondents No.1 and 2 to take appropriate legal action against respondents No.3 and 4 who allegedly are attempting to take forcible possession of the vehicle bearing registration No.PB-13BF-9081 with the help of recovery agents.

Short reply on behalf of respondents No.1 and 2 filed by way of affidavit of Manavjit Singh Sidhu, PPS, Deputy Superintendent of Police, Tapa, District Barnala, today in the Court, is taken on record. A copy thereof has been furnished to the learned counsel for the petitioner.

As per the averments made in the writ petition, the petitioner got financed the aforesaid vehicle by taking total loan of Rs.19,86,000/- from respondent No.4. The same was to be repaid in 60 monthly installments of Rs.45,711/-. The allegation levelled is that the agents of respondents No.3 and 4 attempted to recover the vehicle on 04.03.2023. The possession of the vehicle has not been taken.

Invariably, the present writ petition is pre-emptory as there is no cause of action. There is no reason for this Court to assume that the respondents shall act in violation of law. The petition is based on apprehension and is thus liable to be disposed of as pre-mature. Moreover, this Court in similar matters addressing identical facts in CWP-7706-2022 titled as “Amarjeet Singh Brar Vs The Reserve Bank of India and others,” decided on 04.10.2023 with other connected cases has already passed comprehensive judgment and therefore, in light of the precedent set by this Court, the present petition is disposed of in terms of CWP-7706-2022 (supra).

Ordered accordingly.

December 06, 2023.

raj arora

(VINOD S. BHARDWAJ)

JUDGE

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No