

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

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**2023:PHHC:134672
Reserved on: 17.07.2023
CWP-6792-2017 (O&M).
Date of Decision: 13.10.2023.**

TAHIL SINGH

..Petitioner

VERSUS

REGIONAL DIRECTOR, RESERVE BANK OF INDIA AND OTHERS

.. Respondents

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

PRESENT Ms. Satinder Kaur, Advocate, for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

None for respondents No.2 to 4.

VINOD S. BHARDWAJ, J.

The present petition is filed against the action of respondents No.3 and 4-Private Finance Company for taking over illegal possession of petitioner's vehicle through musclemen in violation of "Fair Practice Code" and the Guidelines issued by the Reserve Bank of India.

The respondents No.2 to 4 have filed their reply taking various objections including the objection regarding the maintainability of the present writ petition and an arbitration clause. It was also averred that the dispute does not fall in the realm of a writ jurisdiction as the same is in the nature of purely commercial contract between the private entities and that the respondent Finance Company is not performing any public functions or duties.

Separate reply has also been filed on behalf of respondent No.5 by way of affidavit of Gurbinder Singh, PPS, Deputy Superintendent of Police, Sub Division Abohar, District Fazilka, wherein it has been specifically averred that the respondent Finance Company gave intimation to

the Police Station Mehsana Taluka, Gujarat before taking possession of the vehicle in question. The officials of the Finance Company before taking possession of the vehicle on 10.12.2016 in the area of village Rupal Mehsana, Gujarat, on the request of the petitioner had transferred the material loaded in the vehicle to the Parking Yard.

The present writ petition was filed in the year 2017 notwithstanding that the cause of action, if any, arose in Gujarat and had no concern with the State of Punjab. It was also averred that the material loaded in the vehicle in question was unloaded by the owner of the parking yard. A report has been received from the Police Station, Mehsana, vide letter dated 20.07.2017. The said reports have been attached with the reply.

Notwithstanding that respective replies have been filed by the respondents in the years 2017-2018 respectively, however, no replication to controvert the averments raised therein has been filed. Moreover, this Court has already ruled in **CWP-7599-2020 titled as 'GURSHARAN SINGH VS. STATE OF PUNJAB AND OTHERS', decided on 06.10.2023** 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.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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