

2024:PHHC:073023



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-12080-2024
Date of Decision: 22.05.2024

ISAB

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Amandeep Singh Gulati, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking issuance of directions against respondents No.2 and 3- Kotak Mahindra Bank Ltd. averring that the said respondents have taken possession of the vehicle owned by the petitioner on 21.02.2024 without following the due process of law.

A specific query was posed to the learned counsel for the petitioner as to how the respondents No.2 and 3 would be an agency and instrumentality of the State as per the provisions of Article 12 of the Constitution of India. He has also been confronted with the *judgment/order dated 06.10.2023* passed by this Court in *CWP-7599-2020* titled as *Gurcharan Singh Versus State of Punjab and others* with respect to the maintainability of the present petition against the private banks. Besides, it has been pointed out that there are various alternative remedies that are available to the petitioner not only for seeking protection but also for taking punitive/restitution of proceedings.

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Learned counsel for the petitioner could not respond satisfactorily to the above aspects.

The present petition is accordingly dismissed being not maintainable in view of the judgment/order dated ***06.10.2023 (supra)***.

The petitioner would, however, be at liberty to take recourse to the alternative remedies that are available to him, in accordance with law.

MAY 22, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*