

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

CRM-M-55185-2024
Date of Decision : **06.11.2024**

**MC TRADING PUREWAL COMPANY THROUGH ITS
PROPRIETOR SURJIT KAUR PREWAL**

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Amitoz Sandhu, Advocate for
Mr. Karan Bhardwaj, Advocate
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, filed under Section 528 of BNSS, 2023, a prayer is made for issuance of mandamus to official respondents No.1 to 3, to take necessary steps to the effect that no obstruction is caused by private respondents No. 4 and 5, in plying of the vehicle of the petitioner, as private respondents No. 4 and 5, are making an attempt to forcibly take possession of the vehicle bearing no.PB-02-DW-6400), through their henchmens.

2. Learned counsel for the petitioner on asking for the relief (*supra*), has placed reliance upon **Manager, ICICI Bank Ltd. vs. Praksh Kaur and others, 2007(2) R.C.R. (Criminal) 76; Citicorp**

Maruti Finance Ltd. Vs. Parkash Kaur and others, JT-2007 (4) SC 39; Narinder Kumar Singla vs. State of Punjab, 2006 (3) RCR 890; M/s Sundaram Finance Ltd. vs. Raj Kumar and others, 2011 (4) RCR (CrI.) 890, and submits that the recovery of loan or seizure of vehicles could be done only through legal means.

3. Without issuing notice of motion in the instant petition, a *mandamus* is passed upon the official respondents No.1 to 3, to take all necessary steps to the effect that no obstruction in plying of the vehicle of the petitioner, should be caused on the part of private respondents No.4 and 5, without adhering to the procedure of law.

4. **Disposed of** accordingly.

5. All pending application(s), if any, also stand **disposed** of accordingly.

November 06, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No