



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

108

LPA-2171-2023 (O&M)

DATE OF DECISION: 06.04.2026

1.

GURSHARAN SINGH ALIAS GURsCHARAN SINGH ... Appellant

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

LPA-1443-2025 (O&M)

2.

NARINDER SINGH

... Appellant

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

LPA-516-2024 (O&M)

3.

HARBHAJAN SINGH

... Appellant

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

LPA-698-2024 (O&M)

4.

BALJIT SINGH WALIA

... Appellant

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Karan Bhardwaj, Advocate
for the appellant in LPA-2171-2017 and
LPA-1443-2025.

Mr. Dilpreet S. Gandhi, Advocate
for appellant in LPA-516-2024.

None for the appellant in LPA-698-2024.

**HARSIMRAN SINGH SETHI, J. (ORAL)****CM-3533-LPA-2025 in LPA-1443-2025**

This is an application seeking condonation of delay of 526 days in filing the appeal.

Heard. For the reasons stated in the application, same is allowed and delay of 526 days in filing the appeal is condoned.

CM-1250-LPA-2024 in LPA-516-2024

This is an application seeking condonation of delay of 104 days in filing the appeal.

Heard. For the reasons stated in the application, same is allowed and delay of 104 days in filing the appeal is condoned.

Main cases

1. All the appeals, the details of which are mentioned in the heading, involve common point of law and common set of facts, hence, they are being dealt together. For the sake of convenience, the facts are being taken from LPA-2171-2023.
2. In the present bunch of appeals, the challenge is to the order passed by the learned Single Judge dated 06.10.2023 by which, the writ petition which has been filed by the appellant against the private financier, from whom they had got their vehicles on hire-purchase agreement, which were repossessed by such private finance companies, have been dismissed on the ground of maintainability.
3. Learned counsel appearing on behalf of the appellant argues that a writ petition against any action taken by the private financiers cannot, in every circumstance, be held to be not maintainable especially when, the aggrieved party is able to show that there is a violation of fundamental rights of such party coupled with the fact that the private entity was performing public duty. Learned counsel



further submits that in the present case, though, the claim was raised against the private finance company but as the vehicle which was being operated by the appellant on hire-purchase agreement with the private operator was forcibly repossessed by the financier, it will come under Article 21 of the Constitution of India and therefore, the writ petition was maintainable, which fact has not been appreciated by the learned Single Judge to oust the appellant from writ jurisdiction of this Court.

4. We have heard learned counsel for the appellant(s) and have gone through the record with their able assistance.

5. The factum that the appellant had taken vehicle on hire-purchase agreement from the private financier is not disputed. Further, the factum that the duties envisaged under the said hire-purchase agreement devolved upon the appellant have not been fulfilled by them due to which, the vehicle has been repossessed by the private financier.

6. The pertinent question which arises for the adjudication of matter at hand is whether private financiers will come within the meaning of 'other authorities' under Article 12 of the Constitution of India so as to maintain the writ petition with regard to the repossession of the vehicle of which, concededly, the private financier is the owner on the date when the same was repossessed. The learned Single Judge has discussed the said issue in detail by adverting to not only the facts but also the detailed law as to under what circumstances, a private entity, performing public functions, can be brought within the writ jurisdiction of this Court and after appreciating the law and the facts herein, it has been held by the learned Single Judge that no public function was being performed by the private financiers, so as to maintain the writ petition qua the repossession of the vehicle which was being operated by the appellant under hire-purchase, of which vehicle,



concededly, the private financier was the owner. Learned counsel rather than pointing out towards any judgment being misread by learned Single Judge, tried the re-argue the issue so as to convince this Court to come to a different conclusion than the one arrived at by the learned Single Judge. In Letters Patent Appeal, the interference can be done only in case the order passed by the learned Single Judge is found to be perverse either on facts or on law. On being asked to point out any incorrect fact noticed by the learned Single Judge to record a finding, the learned counsel for the appellants has not been able to point out any such incorrect fact.

7. With regard to the law which has been dealt by the learned Single Judge, the learned counsel has not been able to point out as to how, the interpretation given by the learned Single Judge is perverse to the settled principle of law.

8. The only argument raised by the learned counsel for the appellant is that private financiers were performing the public duty and were governed by the RBI instructions and therefore, have to be treated within the meaning of 'other authorities' under Article 12 of the Constitution of India. The learned Single Judge has also discussed the said argument as to whether, the private financial institutions are performing any public duty or public function and has placed reliance upon the settled principle of law laid down by the Hon'ble Supreme Court of India in *St. Mary's Education Society and another Vs. Rajendra Prasad Bhargava and others, 2023 (4) SCC 498*. The relevant paragraphs have also been reproduced in the judgment itself to conclude that the agreement of hire-purchase by a private finance company with the private individual, will not amount to a public duty or a public function as the same being a bilateral transaction between the private parties who do not have any public function/public duty to perform. The learned counsel for the appellant has not been able to rebut the said finding



given by the learned Single Judge.

9. A perusal of the impugned order dated 06.10.2023 shows that the learned Single Judge has dealt with the issue extensively based upon the settled principle of law to oust the appellant from the writ jurisdiction of this Court under Article 226 of the Constitution of India and the same has not been shown to be perverse either on facts or on law, accordingly, no interference is called for.

10. It is to be noted that even as per a recent judgment of the Hon'ble Supreme Court of India in SLP(C) Nos.2625-2627 of 2025 decided on 24.01.2025 titled "***S. Shobha vs. Muthoot Finance Ltd.***", it has clearly been held that a private company, even if regulated by the Reserve Bank of India, is not considered a "State" under Article 12 of the Constitution and is not amenable to writ jurisdiction unless it performs a public duty or function. The relevant paragraph of the aforementioned judgment has been reproduced hereunder:-

"9. We may sum up thus:

(1) For issuing writ against a legal entity, it would have to be an instrumentality or agency of a State or should have been entrusted with such functions as are Governmental or closely associated therewith by being of public importance or being fundamental to the life of the people and hence Governmental.

(2) A writ petition under Article 226 of the Constitution of India may be maintainable against (i) the State Government; (ii) Authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) a private body discharging public duty or positive obligation of public nature; and (viii) a person or a body under liability to discharge any function under any Statute, to compel it to perform such a statutory function.

(3) Although a non-banking finance company like the Muthoot Finance Ltd. with which we are concerned is duty bound to follow and abide by the guidelines provided by the Reserve Bank of India for smooth conduct of its affairs in



carrying on its business, yet those are of regulatory measures to keep a check and provide guideline and not a participatory dominance or control over the affairs of the company.

(4) A private company carrying on banking business as a Scheduled bank cannot be termed as a company carrying on any public function or public duty.

(5) Normally, mandamus is issued to a public body or authority to compel it to perform some public duty cast upon it by some statute or statutory rule. In exceptional cases a writ of mandamus or a writ in the nature of mandamus may issue to a private body, but only where a public duty is cast upon such private body by a statute or statutory rule and only to compel such body to perform its public duty.

(6) Merely because a statute or a rule having the force of a statute requires a company or some other body to do a particular thing, it does not possess the attribute of a statutory body.

(7) If a private body is discharging a public function and the denial of any rights is in connection with the public duty imposed on such body, the public law remedy can be enforced. The duty cast on the public body may be either statutory or otherwise and the source of such power is immaterial but, nevertheless, there must be the public law element in such action.

8) According to Halsbury's Laws of England, 3rd Ed. Vol.30, p.682, "a public authority is a body not necessarily a county council, municipal corporation or other local authority which has public statutory duties to perform, and which perform the duties and carries out its transactions for the benefit of the public and not for private profit". There cannot be any general definition of public authority or public action. The facts of each case decide the point."

11. Learned counsel for the appellant has not been able to dispute that the argument being raised in the present appeal that financial institutions which are regulated by the RBI guidelines are to be covered within the meaning of 'other authorities' under Article 12 of the Constitution of India. The Hon'ble Supreme Court of India has categorically held that such institutions are not 'state' and



cannot be said to be performing the public functions. Therefore, the argument that the respondents-financial institutions are within the writ jurisdiction of this Court being performing the public duties is accordingly rejected.

12. Even otherwise, on facts as well, the only argument raised by the learned counsel for the appellant is that the appellants were forcibly dispossessed of the vehicle which was being operated by them under hire-purchase agreement, which is contrary to the settled principle of law. On being asked to point out any fact to prove the said forcible dispossession, the learned counsel for the appellant has only shown one complaint made after two and a half months of such alleged forcible dispossession to the police authorities. The said letter does not contain the place where the dispossession took place, who was dispossessed and at what time such dispossession took place. This clearly shows that the forcible dispossession is only being brought into operation to raise a claim under settled principle of law that the private finance company has violated the settled principle of law not to dispossess anyone forcibly.

13. Further, the facts with regard to the forcible dispossession, have not been shown to this Court, even if it is assumed for the sake of arguments that this Court should intervene on the presumption of having jurisdiction under Article 226 of the Constitution of India. Though, the learned Single Judge did not touch the said point but, the learned counsel for the appellant forced us to record such submission so as to give finding on such submissions. Once, the writ petition was being dismissed as not maintainable, this Court was not required to go into the merit but learned counsel for the appellant submitted that once an argument has been raised, the same be dealt in a manner hence, even on the issue on merits whether, there is a forcible dispossession, has not been pleaded/proved so as to seek any interference of this Court on the ground that the settled principle of law



has been violated so as to give any direction.

14. Keeping in view the totality of the circumstances coupled with the facts of the present case as well as the detailed settled principle of law discussed by the learned Single Judge on the issue of the maintainability of a writ petition against a private financier, no ground is made out for any interference by this Court.

15. No other arguments raised.

16. The judgment is orally dictated in the Court.

17. The Letters Patent Appeals stand dismissed.

18. All pending miscellaneous application(s), if any, shall also stand disposed of.

19. A photocopy of this order be also placed on the files of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

06.04.2026
sapna adhikari

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes