
(2011) 02 AHC CK 0194
In the Allahabad High Court
Case No : Writ-C No. 9964 of 2011

Brij Bhushan Rai	Vs	APPELLANT
Union of India and others		RESPONDENT

Date of Decision : 21-02-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 02 AHC CK 0194

Hon'ble Judges : Ashok Bhushan, J and Shyam Shankar Tiwari, J

Final Decision : Dismissed

Judgement

Ashok Bhushan and Shyam Shankar Tiwari, JJ.—Heard learned Counsel for the petitioner and Sri C.K. Parekh, learned Counsel for the respondents No. 3 and 4 as well as Sri A.S. Deval, learned Counsel for the respondent No. 1.

By this writ petition, the petitioner has prayed for the following reliefs:

"I. to issue a writ, order or direction in the nature of mandamus directing the respondent No. 4 to release the possession of the Truck having registration No. U.P. 50F 3301 to the petitioner.

II. to issue a writ, order or direction in the nature of mandamus directing the respondent No. 3 and 6 to register the case against the respondent Finance Company. III. to issue any other writ, order or direction for grant of such other and further relief so may be deemed fit and proper in the facts and circumstances of the case."

2. The writ petition has been filed against the respondents No. 3 and 4 who are private finance company. Learned Counsel for the respondents submits that a Division Bench of this Court dismissed the writ petition No. 66283 of 2010, Dharmendra Kumar Yadav v. Manager, Commercial Auto Sales (P) Ltd. on 6.12.2010, taking the view that the writ petition against the private finance company, is not maintainable . Learned Counsel for the petitioner relied on judgment of the Apex Court in ICICI Bank Ltd. v. Prakash Kaur and others. 2007

(1) CRC 580.

We have heard learned Counsel for the parties and have perused the record.

3. The respondents No. 3 and 4 being private finance company and there being no allegation of any statutory violation, we are of the view that the writ petition is not maintainable and the case is fully covered by the Division Bench judgment in the case of Dharmendra Kumar Yadav (supra). In so far as the judgment of / CZC7 Bank Ltd. (supra) is concerned, the said case arose out of criminal writ petition filed by the petitioner of that case in the High Court. We are of the view that it is open for the petitioner to take such criminal action against the respondents as may be permissible under law.

With the aforesaid observation, the writ petition is dismissed.