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WA-2543-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 17th OF NOVEMBER, 2025

WRIT APPEAL No. 2543 of 2025

SHASHI SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Abhishek Dubey - Advocate for the appellant.

Dr. S. S. Chouhan - Government Advocate for the respondents/State.
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ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

Appellant impugns order dated 04.3.2025, whereby the writ petition filed by the appellant has been dismissed holding that petitioner had filed writ petition against the private entity AU Small Finance Bank Ltd. There was no relief sought in respect of any action taken by the State or the authorities of the State. Appellant had taken a loan for finance of a vehicle and as per the appellant, despite payment of loan amount, vehicle has been wrongly seized by AU Small Finance Bank Ltd..

Learned Single Judge has noticed that the relief has been sought only against the private entity in respect of a commercial transaction and as such writ petition under Article 226 of the Constitution of India would not be maintainable.



Learned Single Judge has relied on the decision of Supreme Court in the case of **Federal Bank Ltd. Vs. Sagar Thomas and Others [(2003) 10 SCC 733]**, wherein the Supreme Court has held that merely because a regulatory provisions are carried out by private bodies, he could not confer any status upon them, which may be enforced to issuance of a writ under Article 226.

Learned Single Judge has given liberty to the appellant to take his remedies before the alternative forum *inter alia* a civil court.

We are in full agreement with a view taken by the learned Single Judge that writ petition was not maintainable against a private entity, even though, the entity was complying with the regulatory mechanism set up by the State Authorities.

We find no merit in the appeal, the appeal is accordingly dismissed.

It would be open to the appellant to avail all such remedies as may be permissible in law.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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