

26-08-2021
ct no. 13
Sl. 130
sp

**WPA 9284 of 2021
(Through Video Conference)**

Adarsh Tulshyan

-Versus-

The State of West Bengal & Ors.

Ms. Devi Priya Mitra

....for the petitioner

Ms. Amrita Panja Moulick

....for the State

The writ petitioner seeks enforcement of an order of the learned Judicial Magistrate, 5th Court at Alipore dated March 5, 2021 directing the respondent no.7, Krishna Auto Sales at Chandigarh to return a motor car bearing no. CH-01 BV-9999.

The petitioner complains that the order of the Judicial Magistrate has not been complied with.

The Magistrate is empowered to enforce orders under the provisions of the Cr. P.C. and hence, the writ petition would, otherwise, not be maintainable.

In any event, the Magistrate at Alipore has directed a party at Chandigarh to deliver a vehicle to the petitioner at Calcutta. The territorial jurisdiction of the Magistrate and the instant writ application is seriously in doubt.

In that view of the matter, WPA 9284 of 2021 is dismissed with liberty however reserved to the petitioner to take steps under the provisions of the Cr. P.C. and/or any other proceedings before the appropriate Court having territorial jurisdiction in the matter.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)