

S/L No.11

(Through Video Conference)

13.08.2021
Ct-8
(AD)

WPA 12469 of 2021

Majibur Rahaman @Mojibur Rahaman
vs.
The Superintendent of Police, Nadia & Ors.

Mr. Arnab Saha

...for the Petitioner.

Mr. Maloy Kumar Singh
Mr. Rajlakshmi Ghatak

... for the State.

Mr. Kaushik Chatterjee
Mr. Tirthankar Dey

... for the respondent nos.5 & 6.

Petitioner seeks a direction upon the police authorities to recover a motor vehicle from the possession of the private respondents.

State and the financier are represented.

Learned Advocate appearing for the financier submits that the vehicle was taken possession of pursuant to an order passed under Section 17 of the Arbitration and Conciliation Act, 1996

Learned Advocate appearing for the petitioner submits that there subsists an order of injunction passed by a Civil Court which is prior to the order passed by the learned Arbitrator.

There are civil disputes between the private parties with regard to the vehicle concerned. There is a civil suit pending. There is an arbitration proceeding also pending. It is contended on behalf of the financier that the civil suit is not maintainable.

A Writ Court need not enter into such disputed arena. It is open to the private parties to avail of their remedies before the appropriate forum in accordance with law. No direction can be issued by the Writ Court to make over the vehicle particularly in the given facts that there subsists an order passed by the learned Arbitrator on the vehicle as also on the respondent therein.

WPA 12469 of 2021 is disposed of accordingly without any order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Debangsu Basak, J.)