

22.06.2022
Sl. No.120
srm

W.P.A. No. 18982 of 2021

Md. Barkat Ali

Versus

The State of West Bengal & Ors.

Mr. Mohinoor Rahaman,
Ms. Maria Rahaman,
Ms. Iqra Rahaman

...for the Petitioner.

Mr. Amitesh Banerjee,
Mr. Tarak Karan

...for the State-respondents.

Mr. Subhankar Chakraborty,
Mr. Saptarshi Bhattacharjee,
Ms. Ruchira Manna

...for the Respondent Nos.4 & 5.

Affidavit-of-service is taken on record.

The writ petition has been filed for a direction upon the police authorities to act and proceed in accordance with law and register an FIR upon incorporating appropriate sections against the respondent-bank so that the respondent-bank does not send musclemen to take possession of the vehicle of the petitioner, which was mortgaged to the bank. The petitioner is a defaulter.

Mr. Bhattacharjee, learned Advocate appearing on behalf of the bank, submits that by an order dated December 23, 2021 passed in Misc. Case No.2641 of 2021 by the learned Judge, 7th Court, City Civil Court at Calcutta, a receiver was appointed to take possession of the vehicle. The receiver could not take

possession of the said vehicle. The matter has gone to arbitration before a learned Advocate at Chennai. An order has been passed by the learned Arbitrator permitting repossession of the vehicle. Copies of such orders have been filed before this Court, which are taken on record.

Mr. Banerjee, learned Senior Standing Counsel, submits, upon instruction, that an enquiry was made pursuant to the complaint lodged by the petitioner and the police authorities came to learn that the allegation of threat and attempts to repossess the vehicle with muscle power and with the help of hooligans, could not be substantiated.

Thus, the writ petition is disposed of without any order.

This order shall not in any way curtail the right of the bank to act and proceed in accordance with law, on the basis of the orders of the learned Arbitrator, if such orders still subsist.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)