

01.07.2022
Court No. 19
Item no.61
CP

W.P.A. No. 10674 of 2022

Wadi Seikh
Vs.
The State of West Bengal & ors.

Md. Jamaluddin Ahmed
...for the petitioner.

Ms. Soni Ojha
...for the respondent no.4.

The prayer of the petitioner cannot be granted in this proceeding. The petitioner is a borrower. Approximately an amount of Rs. 20 lakhs had been borrowed from the predecessor of the respondent no. 4.

It is alleged that some amount is still payable by the petitioner. The petitioner apprehends that the respondent no. 4 shall forcefully take away the hypothecated JCB machine, with the help of the police. Allegations of threat have been made.

Having gone through the pleadings, the court does not find that the police authorities have acted in a manner prejudicial to the interest of the petitioner. The apprehension of the petitioner is the basis of the writ petition.

Under such circumstances, this court is not in a position to pass any orders restraining the police authorities from taking any action. There are no

pleadings that the petitioner was either harassed or intimidated by the police authorities. The remedy of the petitioner is before the appropriate court under the provisions of the Arbitration and Conciliation Act, 1996.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)