

22.07.2022  
Sl.No.162(ML)  
srm

**W.P.A. No. 12549 of 2022**

**Sri Rajesh Sharma**

**Versus**

**The State of West Bengal & Ors.**

Ms. Sima Ghosh

... for the Petitioner.

Mr. Amal Kumar Sen,  
Mrs. Ashima Das (Sil)

...for the State-respondents.

Mr. Kaushik Chatterjee,  
Mr. Tirthankar Dey,  
Mr. Mouli Sarkar

...for the Respondent Nos.5 and 6.

The petitioner complains of police inaction. According to the petitioner, the Officer-in-Charge, Dankuni Police Station had failed and neglected to investigate into the complaint of the petitioner, which was lodged on February 28, 2022. It is alleged that the goods carrier vehicle of the petitioner was carrying goods worth of Rs.2,20,000/- approximately. The vehicle was forcibly taken away from the custody of the driver of the vehicle, from the area which was within the jurisdiction of Dankuni Police Station.

It appears that the vehicle was hypothecated to M/s. Tata Motors Finance Limited. The petitioner failed to pay the EMI as per the loan agreement. The learned Advocate

for M/s. Tata Motors Finance Limited has produced a letter, which shows that the Officer-in-Charge, Bhadreswar Police Station had been intimated by the finance company, that as the borrower had failed to pay the EMI despite several requests and demands, the borrower had ultimately decided to handover and surrender the possession of the vehicle to M/s. Tata Motors Finance Limited. As the finance company had a charge over the vehicle and a right under the loan agreement to take possession of the said vehicle, the vehicle was re-possessed, after being surrendered by the borrower.

The police authorities have filed a report. Upon enquiry, it was revealed that the vehicle being WB 47/2485, Tata Intra (V) 10 was taken possession of, from Delhi Road, by the authorised officer of Tata Motors due to non-payment of instalments, sometime in January, 2022. The details of non-payment of the loan amount were submitted to the police authorities. The vehicle had been parked in the yard of Utsa Parking, Bighati Delhi Road, Bhadreswar. Copy of the inventory of the vehicle was also handed over to the police authorities.

Under such circumstances, the police authorities were of the view that this was not a case in which, a

cognizable offence has been made out against M/s. Tata Motors Finance Limited. The loan documents, the accounts of default and the inventory have been produced before the Court, by the police authorities.

Under such circumstances, this court does not find any reason to pass directions upon the police authorities. However, the petitioner is at liberty to approach the appropriate forum for necessary orders, including orders for interim protection of the vehicle.

The writ petition is, thus, disposed of.

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.)**