

09.09.2022
sayandeep
Sl. No. 09
Ct. No. 05

WPA 19077 of 2022

Dolly Singh
-Versus-
State of West Bengal & Ors.

Mr. Sourav Guha Thakurata
Mr. Bikash Kumar Roy
Mr. Wasim Raj Sardar
Ms. Nilanjana Sarkar
Ms. Prabhleen Bharara
.....for the petitioner

Mr. Asish Kumar Guha
Mr. Naren Ghosh Dastidar
.....for the State

Mr. Abhishek Banerjee
Mr. Aditya Sarkar
.....for the respondent No. 7

Ms. Tanuka Basu
.....for the respondent No. 8

The petitioner is aggrieved by an order dated 29.06.2022 of the Sub-Divisional Magistrate, Bankura by which the petitioner's seized vehicle was not returned to the petitioner on the ground that pending the process of transfer of actual ownership of the vehicle, nobody other than the recorded owner can be considered as bona fide to receive the said vehicle.

Learned counsel appearing for the respondent No. 8, who is the recorded owner of the vehicle, submits that the vehicle was sold by the respondent No. 8 to the petitioner in May, 2022 on receipt of valuable consideration and that the respondent No. 8 does not have any further rights on the vehicle or to be recognized as the owner.

The State is represented.

Learned counsel submits that the concerned RTO may be directed to complete the process of recording the change of ownership within a certain frame of time. Since the dispute revolves around ownership of the vehicle and retrieving the same by the owner, the petitioner should be given relief particularly where the recorded owner submits that the vehicle was sold to the petitioner on valuable consideration.

WPA 19077 of 2022 is disposed of with the direction on the appropriate Regional Transport Authority to take suitable steps for examining the contentions of the parties regarding the change of ownership of the vehicle in light of the relevant documents within a period of one week from the date of communication of this order. Since the appropriate RTO is not a party to the writ petition, the petitioner is directed to communicate this order to the RTO within 13th September, 2022. The steps as directed shall be completed within two weeks from receiving the copy of the writ petition and the order passed by the Court.

(Moushumi Bhattacharya, J.)