

WPA 20895 of 2021
Tarikul
Vs.
State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Mr. Maria Rahaman
... for the petitioner

Ms. Chaitali Bhattacharyya
... for the State

Mr. Sayak Ranjan Ganguly
Mr. Pratip Mukherjee
Ms. Asha Mehta
...for the respondent nos. 2 & 3

The writ petitioner complains that his vehicle was illegally seized by the respondent nos. 2 and 3.

The said vehicle was made hire purchase under finance obtained from the private respondents. The petitioner is stated to have defaulted in payment of loan installments. As a consequence, whereof the advance was recalled and arbitration proceedings were initiated and award dated 23.04.2021 has been passed. A copy of such award has been made over to the counsel for the petitioner.

In those circumstances, this Court is of the view that it would be a futile exercise, if not academic, to ascertain as to whether the possession of the vehicle is taken in accordance with the applicable rules or otherwise. The remedy of the petitioner would be against the award before the appropriate forum.

With the aforesaid observations, the writ petition being WPA 20895 of 2021 is, accordingly, disposed of without any further orders.

Since the respondents have not used any affidavit in opposition, the allegations contained in this writ petition, shall not be deemed to have been admitted by them.

Urgent photostat certified copy of this order, if applied for be given to the parties on priority basis upon completion of requisite formalities.

(Rajasekhar Mantha, J.)