

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 28912 OF 2022

Baidhar Behera

....

Petitioner

Mr. P.K. Das, Advocate

-versus-

Branch Manager, Tata Motors

....

Opp. Parties

Finance Ltd., Jajpur and others

Mr. Rama Chandra Panigrahy, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.11.2022

Order No.

- 4.
1. This matter is taken up through hybrid mode.
 2. This writ petition has been filed for a direction to the Branch Manager, TATA Motors Finance Ltd., Jajpur Road Branch for release of the vehicle bearing Registration No.OD-04-M-4595 (Truck).
 3. Mr. Rama Chandra Panigrahy, learned counsel enters appearance on behalf of Opposite Party Nos.1 to 3-TATA Motors Finance Ltd. by filing Vakalatnama in Court today, which is taken on record.
 4. On earlier occasion, the Petitioner had approached this Court in W.P.(C) No.25384 of 2022, which was disposed of on 20th October, 2022 with the following order:

“1. This matter is taken up through hybrid mode.

2. The Petitioner in this writ petition prays for a direction to release the vehicle bearing Registration No.OD-04-M-4595 (Truck).

3. Mr. Panigrahi, learned counsel for Opposite Parties-Financer submits that the vehicle bearing Registration No.OD-04-M-4595 (Truck) has already been sold in the meantime complying with the provisions of Motor Vehicles Act, 1988 and the Rules framed thereunder. He also refers to the notice to the Petitioner for change of ownership in Form No.37 as at Annexure-3. Referring to Annexure-4, Mr. Panigrahi, learned counsel also submits that the Petitioner has already approached the District Consumer Disputes Redressal Forum, Cuttack in C.C. Case No.05 of 2022. Hence, this writ petition is not maintainable.

4. In that view of the matter, the prayer made in this writ petition cannot be granted.

5. Accordingly, this writ petition is disposed of with an observation that the Petitioner, if so advised, may work out his remedy in accordance with law.”

5. Mr. Das, learned counsel for the Petitioner submits that in the meantime, the Petitioner has withdrawn C.C.No.5 of 2022 from the District Consumer Disputes Redressal Commission, Cuttack.

6. Mr. Panigrahy, learned counsel for Opposite Party Nos.1 to 3 submits that the vehicle has already been sold in the meantime in an auction sale.

7. Hence, the prayer made in this writ petition cannot be entertained.

8. Accordingly, this writ petition is dismissed.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge