

858  
jdt.

**04.09.2023**  
jb.

**W.P.A. 807 of 2023**  
**(Md. Amin vs. State of West Bengal & Ors.)**

**Mr. Subrata Ghosh**

**.... For the Petitioner**

**Mr. Soumitra Bandyopadhyay**

**Mr. Srinath Singha**

**.... For the State**

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the private respondent despite service.

It is contended on behalf of the petitioner that the petitioner purchased the tractor bearing registration No. WB 61A 2000 by hire purchase agreement from the 6<sup>th</sup> respondent at monthly installment of Rs.13,300/- payable in 48 installments. Some of the installments were paid by the petitioner despite which the 6<sup>th</sup> respondent and 7<sup>th</sup> respondent snatched and seized the tractor from its driver in absence of the petitioner without preparing any document to that effect on 27<sup>th</sup> February, 2016. The petitioner filed an application under Section 156(3) of the Criminal Procedure Code before the Court of the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat on the basis of which a case being GR 1250/2019 was registered. Upon completion of investigation, final report was submitted in the case with an observation that the finance Company, by a

letter sent to the investigating officer accompanied by some documents relating to the hire purchase, denied taking possession of the tractor from the borrower.

In the writ petition, the petitioner has prayed for a writ in the nature of mandamus commanding respondent Nos. 2 to 5 to seize the tractor and hand it over to him.

The complaint filed by the petitioner relating to illegal seizure of the tractor by the private respondent has been dealt with by the Court of the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat and prayer for further investigation made by the petitioner before the said learned Court has been refused. The petitioner seeks to take appropriate steps against the said order.

Since the subject matter of the writ petition has been decided on merits by the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat and the petitioner seeks to approach the appropriate forum against the said order, nothing remains to be adjudicated in the present writ petition and the same is accordingly disposed of.

There shall be no order as to costs.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

**(Suvra Ghosh, J.)**