

August 16, 2023
(994) ARDR

WPA 4799 of 2023

Sm. Susmita Pal
Vs.
The State of West Bengal & ors.

Adv. Dilip Kumar Samanta,
Adv. Biswapriya Samanta,
Adv. Tithi Paul,

...for the petitioner.

Adv. Soumitra Bandyopadhyay,
Adv. Priyabrata Batabyal,

...for the State.

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

None appears for the private respondent despite service.

The petitioner alleges transfer of ownership of her vehicle in violation of Section 51(5) of the Motor Vehicles Act, 1988. Due to alleged default in payment of installments by the petitioner for hire purchase of his vehicle, the 5th respondent forcibly repossessed the vehicle and obtained NOC for transfer of the same. The objection filed by the petitioner before the concerned authority in this regard on 18th October, 2022 seeking withdrawal of the NOC is yet to be considered. The petitioner prays for a direction upon the authority to consider the objection at the earliest.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the objection in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the objection submitted by the petitioner dated 18th October, 2022 within four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the aforesaid directions, the writ petition, being WPA 4799 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)