

27.02.2023.
Court No.13
Item No. 10
ap

W.P.A. No. 5472 of 2022
Md. Shahbaj
Versus
The State of West Bengal & Ors.

Mr. Pratik Majumdar,
Mr. Shubradip Roy.

...For the petitioner.

Mr. Sarak Ranjan Ganguly,
Ms. Srijani Ghosh.

..For the respondent no.6.

The petitioner complains that the private respondent-Financier has, without due process of law, forcibly seized a vehicle of which the petitioner was the recorded owner under Hire Purchase Agreement.

Counsel for the private respondent no.6 submits that they have seized the said vehicle in March, 2022 after it was voluntarily surrendered by the driver.

This fact is corroborated in the version of the Berhampore Police Station in the report dated 21st February, 2023.

Since the respondent no.6 has not obtained any order from any Court of competent authority to physically take possession of the said vehicle from the petitioner, the petitioner shall be entitled to seek damages.

It is submitted by Counsel for the respondent no.6 that they have obtained an Award against the writ petitioner under the Hire Purchase Agreement.

In view of the above, reserving rights as indicated above to the parties in accordance with law, the writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)