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jdt.

15.05.2023
jb.

W.P.A. 11259 of 2023
(Amal Bag vs. State of West Bengal & Ors.)

Mr. Kallol Basu
Mr. Samik Sarkar
.... For the Petitioner
Mr. Ritwik Patttanayak
Mr. Samir Halder
.... For the Respondent No. 8
Mr. Amal Kr. Sen
Mr. Jaladhi Das
.... For the State

Heard learned counsels for the parties.

The petitioner prays for release of the vehicle in question being a 14-wheeler truck of Tata Make bearing registration No. WB 29B 4826 from the black list in the portal of the respondent authority. The vehicle was hypothecated with the Bank and upon the petitioner liquidating the loan in full, the agreement of hypothecation entered into by and between the petitioner and the Bank was terminated by a letter issued on 30th December, 2022 and hypothecation charge was cancelled by a letter issued on the same date. The vehicle was black listed by RTO, Tamluk, West Bengal due to police case pending against the petitioner under Section 420/406 of the Indian Penal Code.

It is submitted on behalf of the petitioner that though an agreement was entered into by and between the petitioner and the private respondent for purchase of the vehicle in question subject to fulfillment of certain terms and conditions by the private respondent including payment of remaining installments to the Bank for the same, the private respondent failed to act in terms of the agreement for which the agreement was terminated by the petitioner in terms of clauses 7 and 13 of the agreement itself. The entire loan was liquidated by the petitioner.

It is submitted on behalf of the State respondents that the respondents have withdrawn the order of black listing of the petitioner's vehicle with effect from 15th May, 2023 and the petitioner is entitled to deal with the vehicle, in accordance with law.

In view of the above, the writ petition is allowed in terms of prayer c.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

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

(Suvra Ghosh, J.)