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25.09.2023
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Ct 14

WPA 21035 of 2023

Swarupa Karmakar
-vs-
State of West Bengal & ors.

Mr. Dip Jyoti Chakraborty
...for the petitioner
Mr. Subrata Biswas
Mr. Kalyan Kumar Bhattacharjee
Ms. Sahina Khatun
...for the respondent no.6

Mr. Suman Ghosh
Mr. Soumen Chatterjee
...for the State

Affidavit in opposition filed on behalf of the respondent no.6 is taken on record.

Copy of the same is handed over to the learned counsel for the other side.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of a mini bus. She had aggrieved to sale the bus to the private respondents. The private respondents after paying an initial advance of Rs. 1 lakh, could not pay the rest of the sum. In the meantime, the loan account through which the petitioner had purchased the bus had become NPA. The petitioner repaid the entire sum. But when the petitioner went to ply the bus on the route, the private respondents tried to prevent him from doing so. Police help was sought, but was

not provided. The allegations made in the opposition are denied.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The private respondent has paid nearly rupees four lakhs out of a total consideration of rupees six lakhs for purchasing the bus. It is the petitioner who after receiving such sum is refusing to go ahead with the deal or to even return the money. In this way, the private respondent has committed cheating.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a dispute between the private parties. It appears that the respondent no.6 had paid some money to the petitioner as an advance part consideration for purchasing a mini bus.

It appears that the dispute between the private parties regarding the proposed deal to purchase a mini bus.

However, this can at best lead to a civil proceeding and cannot entitle the private respondent from preventing the petitioner from plying the bus.

However, if a cognizable case of cheating is made out, the petitioner shall be entitled to lodge an FIR before the local police station.

The respondent authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)