

WPA 22517 of 2022

Rajkumar Maity
Vs.
The State of West Bengal & Ors.

Adv. S. P. Pahari,
Adv. Tapan Kumar Mahapatra,
...for the petitioner.
Adv. Amal Kumar Sen,
Adv. Lal Mohan Basu,
...for the State.

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

None appears for the 5th and 6th respondents despite service.

It is contended on behalf of the petitioner that the petitioner is the owner of the vehicle in question which was hypothecated to the 5th respondent. The vehicle was seized by the 5th respondent due to failure on the part of the petitioner to pay the installments. The 5th respondent has transferred the vehicle in favour of the 6th respondent without serving any notice upon the petitioner. The petitioner seeks to submit a comprehensive representation in this regard before the concerned authority and prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the State respondents that the State respondents as well as the Bank may be granted an opportunity to appear before the concerned

authority and place their respective contentions at the time of hearing.

In view of the above, the writ petition being WPA 22517 of 2022 is disposed of with liberty to the petitioner to file a comprehensive representation ventilating his grievance before the 3rd respondent within two weeks from date. The 3rd respondent is directed to consider and dispose of the representation within four weeks from the date of receipt thereof upon affording reasonable opportunity of hearing to both the parties in the writ petition, in accordance with law.

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

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

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)