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17.11.2023
Ct. no. 2
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WPA 24015 of 2023

Gafur Khan
-Vs-
Deputy Commissioner of Tax Officer,
Bureau of Investigation (South Bengal),
Howrah Zone & Ors.

Mr. Sandip Choraria ... for the petitioner

Mr. A. Roy
Md. T.M. Siddiqui
Ms. T. Chakraborty for the State

Heard learned advocates appearing for the parties.

By this writ petition, the petitioner has challenged the impugned action of detention of vehicle in question by claiming to be the owner of the same as appears from the document at page 40 of the writ petition. When the petitioner was asked to produce any document from the Motor Vehicles Department to substantiate his claim of ownership of the vehicle in question, he failed to produce any document.

Mr. Siddiqui, learned Additional Government Pleader produces a document from the vehicle registering authority from which it appears that the owner of the vehicle in question is some other person. Since there are the highly disputed questions of fact based on material

evidence, this writ court cannot go into such disputed question of facts by appreciating material evidence in exercise of its constitutional writ jurisdiction under Article 226 of the Constitution of India.

Accordingly, this writ petition being WPA 24015 of 2023 is dismissed.

The document filed by Mr. Siddiqui be kept with the record.

(Md. Nizamuddin, J.)