

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 10997 of 2024**

Selim Ali Sarala  
v.  
The State of West Bengal & Ors.

Mr. Md. Younush Mondal  
... For the petitioner

Mr. Pandu Deb Roy  
Mr. Gausul Alam  
... For the State

Mr. Angshuman Chakraborty  
Mr. S.S. Saha  
... For the respondent no.5

Affidavit of service so filed by the petitioner be kept with the record.

Report as submitted by the learned advocate for the State be also kept with the record.

Petitioner claims that he is the owner of a JCB which was seized by the police authorities and they are refusing to return the same. Petitioner, to that effect, approached the jurisdictional Court which passed directions for further enquiry.

Learned advocate for the State submits that the petitioner could not establish his relationship regarding the ownership of the said JCB. Accordingly, the police authorities have refused to return the said equipment/vehicle.

Police authorities are hereby directed to assess the genuinity of the engine number, chassis number and in whose name the said equipment/vehicle is registered with the RTO Barasat.

Petitioner will also produce the documents which are in his custody.

The authenticity/genuinity of the same be cross-checked by the police authorities and a report be submitted before the learned jurisdictional Magistrate.

The petitioner, if aggrieved, will thereafter approach the learned jurisdictional Magistrate. If he is satisfied or dissatisfied, expresses his opinion on the report so submitted.

If the learned jurisdictional Magistrate is satisfied, he would be at liberty to impose conditions and release the equipment/vehicle. If he is dis-satisfied, he shall pass a speaking order.

Petitioner would be at liberty to approach this Court after the aforesaid process is exhausted.

Accordingly, WPA 10997 of 2024 is disposed of.

A copy of the report filed by the learned advocate for the State be handed over to the learned advocate for the petitioner.

All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

**(Tirthankar Ghosh, J.)**