

25
04.11.2024
Court No. 25
D.Hira

**WPA 24691 of 2024
With
CAN 1 of 2024**

**Md. Umar
Vs.
The State of West Bengal & Ors.**

**Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta.
... for the petitioner**

**Mr. Amal Kumar Sen, ld. A.G.P.,
Ms. Ashima Das (Sil).
... for the State**

1. Affidavit-of-service filed in Court today is taken on record.
2. The writ petitioner's grievance is with respect to inaction of the District Magistrate and Collector, Paschim Bardhaman, in complying with the order of this Court dated 7th February, 2023 as well as considering the petitioner's letter dated 23rd March, 2021.
3. Fact remains that the vehicle of the writ petitioner, who is an interstate operator within the States of Jharkhand and West Bengal, was intercepted at the border and the vehicle has been seized.
4. In the writ petition filed by the petitioner that is, WPA no. 9128 of 2021, the Court directed vide its order dated 7th February, 2023, for consideration and disposing of the application of the petitioner by the respondent District Magistrate and Collector, Paschim Bardhaman.
5. Mr. Amal Kumar Sen, learned Additional Government Pleader is representing the State. He has indicated

that in spite of there being a direction of the Court neither the petitioner's application has been considered nor the vehicle has yet been released by the concerned respondent authority.

- 6.** Mr. Sen is agreeable to the fact that by dint of an earlier order dated 7th February, 2023, the Court directed the respondent as above to consider and dispose of petitioner's application for release of vehicle.
- 7.** He indicates that similar direction may be given to the taxing authority too for consideration of petitioner's prayer as above.
- 8.** Having heard the submissions of the parties, it is found proper to dispose of this case by directing the respondent District Magistrate and Collector, Paschim Bardhaman/respondent no. 4 to comply and act immediately in terms of this Court's earlier order dated 7th February, 2023, by considering and disposing the application submitted by the petitioner dated 23rd March, 2021.
- 9.** Obviously in doing so, the said respondent shall afford opportunity of hearing to the petitioner and pass a reasoned order.
- 10.** The said respondent is to dispose of the petitioner's prayer positively within a period of six weeks from the date of communication of copy of this order by the petitioner along with the copy of the Court's earlier order dated 7th February, 2023.
- 11.** Let the petitioner serve copies as above through courier service/registered post, in addition to other modes of service, upon the respondents.

- 12.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 13.** This writ petition being WPA No. 24691 of 2024 is disposed of, along with the pending applications, if any.
- 14.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)