

02.01.2024
rc/ct.no.14
Item No.33

WPA No. 24195 of 2023
Durgapada Panda
Versus
The State of West Bengal & Ors.

Sk. Sahjahan Ali ...for the petitioner

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

Mr. Subhas Jana ...for the respondents no. 6 & 7

Affidavit of service filed by the petitioner, reports filed by the State respondents, copy of the documents filed on behalf of the private respondents are taken on record.

Learned counsel for the petitioner submits as follows. The private respondents were trying to extort money from the petitioner. Finally they forcibly took away the Dzire car belonging to the petitioner. The petitioner has also lodged a complaint, which was registered as Egra PS Case No. 757/2023. But, no action was taken.

Learned counsel for the private respondents submits as follows. The allegations made in the writ petition are denied. The petitioner entered into an agreement with the private respondents for sale of the vehicle in question and a sum of Rs.1.00 lakh was paid on that particular date on which possession of the vehicle was taken. Unless No Objection Certificate and other relevant papers were given, the rest of the money was not to be paid to the petitioner.

The private respondent has also lodged a complaint which was registered as Egra PS Case No. 885 of 2023.

Learned counsel for the State respondents relies on the report and submits as follows. On the complaint of the petitioner, a First Information Report was registered and finally the police authorities were able to seize the vehicle in question. The vehicle was returned to the petitioner upon an order passed by the Learned Magistrate.

While the petitioner alleges that his car was forcibly taken away by the private respondents, the private respondents have relied upon a documents to show that there was an agreement to purchase such vehicle.

However, from the documents it appears that initially Rs. 1.00 lakh was paid to the petitioner by the private respondent and another Rs.2.5 lakhs was to be paid and within two months from the same necessary papers like No Objection Certificate were to be given.

Be that as it may, it has been submitted on behalf of the State that the vehicle was seized and was returned to the petitioner.

Let both the criminal cases filed by either of the parties be taken to their logical conclusion by the Investigating Agency.

Therefore, no further order need be passed in this regard at this stage.

With the above observations and directions this writ petition is disposed of.

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

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

(Jay Sengupta,J)