

Court No. 2
11.07.2024
Item No.34
dc.

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1338 of 2024

Smt. Surya Maya Lama
VS
State of West Bengal & Ors.

Mr. Sudipto Kumar Mazumder, Sr. Adv.,
Mr. Shubhankar Dutta,
Ms. Neema Dolma,
Mr. Y. Subba
... for the petitioner.

Mr. Subir Kumar Saha, Ld. AGP.,
Mr. Sumit Kumar
... for the State.

Mr. Milindo Paul,
Mr. Nabankur Paul,
Ms. Sutapa Sen Paul,
Ms. Bedashruti Bose,
Mr. Subham Das
... for the respondent No.2.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayantani Das
... for the respondent No.3.

Mr. Mazumder, learned senior advocate appearing for the petitioner submits that the petitioner's vehicle has been illegally repossessed and subsequently amount has been debited from her account after repossession. The vehicle was thereafter transferred and retransferred. According to the learned senior advocate, the signatures appearing in the transfer form are not that of the petitioner and in spite of the same, the vehicle has been allowed to be transferred in favour of another person.

So far as the transactions are concerned, a compilation of documents are handed over by the learned advocate appearing for the respondent no.2.

Mr. Bhowmik, learned advocate appears for the respondent no.3.

State files a comprehensive report incorporating the necessary documents. Let the same be kept with the record.

The said report reflects that Bhaktinagar Police Station Case No. 905/2023 dated 10.10.2023 was registered for investigation and the investigation of the case is still continuing. The vehicle as is revealed from the report has been seized by the investigating authorities and is lying under the custody of Bhaktinagar Police Station.

In view of the grievance canvassed by the present petitioner at whose instance the criminal case being Bhaktinagar Police Station Case No. 905/2023 dated 10.10.2023 was registered for investigation and the learned jurisdictional Magistrate being in seisin of the matter, I direct that release of the vehicle in favour of any party would be subject to audience provided to the petitioner and the objection raised by her. In case the learned Magistrate, while considering the application, is of the opinion that for transfer of the vehicle, the signature which was produced before the registering authority was questionable or allegedly forged, it would be the discretion of the learned

Magistrate to allow the petitioner to prefer appropriate application/case and the learned Magistrate will apply his mind for taking further course of action in accordance with law.

The learned Magistrate in seisin of the matter would act in accordance with the observations made above.

No further order need be passed in the present writ petition.

With the aforesaid observations, the writ petition being WPA 1338 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

There shall be no order as to costs.

All concerned parties shall act on the 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 supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)