

10.03.2025
Court No. 35
Item No.119
Rakib

W.P.A. 25109 of 2023

Mohoruddin Ghot.
VS
State of West Bengal & Ors.

Mr. S. Ghosal,
Mr. Subhojit Mukherjee.
... for the Petitioner.

Mr. Ranjit Singh,
Mr. Amar Singh,
Mrs. Tutul Das,
Mr. Ratul Deb Banerjee,
Ms. Anuska Ray.
...for the respondent no.5.

Mr. Ashim Kumar Ganguly, Ld. AGP.,
Ms. Jayeta Mitra (Kaunda).
... for the State.

Petitioner is aggrieved by the fact that without complying with the order passed in Misc. Case no. 6125/2023 passed by the learned Judge, Bench-XII, City Civil Court, Calcutta, the police authorities are rendering assistance to a different set of persons for recovery of the vehicle. Learned advocate appearing for the petitioner additionally submits that on the basis of Special Power of Attorney certain persons were empowered who were handed over the vehicle by the police authorities. Petitioner is aggrieved by such act of the police authorities and submits that the police authorities did not comply with the order passed by the learned Judge, Bench-XII, City Civil Court, Calcutta passed in Misc. Case no. 6124 of 2023.

Learned advocate for the State has submitted a report. Report reflects that there was an authorization

letter of the learned advocate as well as the order of the learned Civil Court. The representatives of the bank were present and accordingly the police authorities acted upon the same and there are documents relating to repossession available with the police authorities.

Learned advocate for the private respondent no.5 submits that presently the order passed by the said Civil Court do not exist as subsequently arbitral award has been passed.

Be that as it may, the nature of the dispute complained of is primarily to be dealt with the Court which passed the order. Since the petitioner did not approach the learned Judge, Bench-XII, City Civil Court, Calcutta, I am of the view that by invoking the jurisdiction under Article 226 of the Constitution of India, the remedies sought for cannot be acceded to.

Accordingly, WPA 25109 of 2023 is dismissed.

Report so submitted by the State be kept with the record.

Copies of the report be handed over to both the parties.

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.)