

D/L 196
11.04.2025
Kausik
ct.no.35

W.P.A. 27037 of 2024

**Mrs. Renu Singh
Versus
The State of West Bengal & Ors.**

Mr. Mahammad Mahmud

...for the petitioner.

Mr. Anna Malhotra
Mr. Rishav Maity

...for the respondent nos. 4 & 5.
(Tata Motors Finance Ltd.)

Mr. Suman Sengupta, Sr. Govt. Adv.
Mr. Sambuddha Dutta

...for the state.

Petitioner is aggrieved by the fact that his vehicle bearing no. WB 11E 0056 was suddenly stopped and forcefully taken away and thereafter parked at Utsa Parking at Bhadreswar on 19.09.2024. Petitioner alleges that at the time of the incident the driver was assaulted, verbally abused, his phone was taken away and the vehicle's GPS system was attempted to be disabled.

Petitioner informed the Officer-in-charge, Jagacha Police Station and subsequently lodged complaint with the Commissioner of Police in respect of the highhandedness of the persons who have taken away the vehicle, but the police authorities refused to register any FIR.

State has submitted a report prepared by the Officer-in-charge, Jagacha Police Station who conducted an enquiry from the Operation Manager of Tata Motors Finance Limited in respect of the issues canvassed in the communication made by the petitioner to the concerned police station and it is reflected that the vehicle was repossessed with prior intimation to Domjur Police Station of Howrah Police Commissionerate. It was also informed that there was an outstanding amount of Rs. 12788357/- when the possession of the vehicle was taken and there is already an order passed by the Arbitral Tribunal.

Learned advocate for the private respondent is present and submitted that repossession was according to the terms of the agreement as also the award so passed. So far as the repossession and/or exercising the powers under the agreement is concerned, although a finance company is within its domain to exercise the same but the accusations are for excesses being exercised by the person who repossessed the vehicle. To that effect, petitioner if he is so aggrieved would approach the jurisdictional Magistrate under the relevant provisions of law. Learned Magistrate would assess whether a cognizable offence or non-cognizable offence is made

out and accordingly exercise his discretion for passing necessary orders.

With the aforesaid observations WPA 27037 of 2024 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

(Tirthankar Ghosh, J.)