

Form No. J.(2)
Item No. 52
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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

Present:
The Hon'ble Justice Aniruddha Roy

W.P.A. 1912 of 2025

Joydeep Das

Vs.

The State of West Bengal & Ors.

For the petitioner	:	Mr. Pradip Chatterjee, Adv. Ms. Tanuka Basu, Adv. Mr. Gobinda Ghosh, Adv. Ms. Stisti Sarkar, Adv.
For the State	:	Mr. Pretom Das, Adv. Ms. Bedashruti Bose, Adv.
Heard on	:	September 12, 2025
Judgment on :	:	September 12, 2025

Aniruddha Roy, J. :

Facts :

1. Affidavit of service filed in Court today, is taken on record.
2. This is the second round of writ litigation.
3. The first round of grievance has already been redressed in the first writ petition by a coordinate Bench by its order dated **December 23, 2024** in **WPA 2569 of 2024, Annexure-P8 at page 61** to the writ petition.

4. Pursuant to the said order of the coordinate Bench dated **December 23, 2024** the seized coal with vehicle has been released by the police authority and the petitioner has received the same back.
5. The petitioner then submitted a representation dated **July 15, 2025, Annexure – P10 at page 74** to the writ petition, through its learned Advocate and claimed compensation from the police authority.
6. The relevant extracts from the said demand notice is reproduced bellow :

“4. That the officials of your police station after unlawfully detaining the vehicle and goods failed to preserve the coal in a proper manner. The coal in 3-4 months of detention became water-logged and unusable to the point it became worthless and my client has suffered huge financial losses in the process. That further the vehicle under detention was also damaged for which my client had to bear huge financial burden towards its repair.

5. That my client is unable to continue his business as his initial investment got completely exhausted to legally get his vehicle back from the illegal detention from the detainer through court. Even transporters are no longer willing to give their vehicle for his company’s consignment anymore due to such illegal detention causing huge financial losses. Due to all this my client suffered immense mental breakdown and physical harassment caused immense health complications as well as extreme financial crisis.

6. That my client has lost a sum of Rs.12,00,600/- amounting to the following expenses:

- a) Value of Purchased Coal : 2,83,000/-*
- b) Loading and unloading charges : 24,000/-*
- c) Transport charges : 75,600/-*
- d) Other on road expenses : 50,000/-*
- e) Vehicle body repair : 2,50,000/-*
- f) Legal expenses : 1,90,000/-*
- g) Hotel and travelling for getting the consignment released from the authorities : 1,50,000/-*
- h) Court bail bond : 30,000/-*
- i) Cost of diesel stolen from the vehicle under custody : 30,000/-*
- j) Warehouse rent for 7 months : 49,000/-*

*k) Warehouse Wachman food and salary :
69,000/-*

7. That the said consignment originated lawfully from Nagaland, a state of India, and interstate commerce is protected under Article 301 of the Constitution of India. Your actions are not only in violation of statutory rights but also offend Articles 14, 19(1)(g), 21, and 300A of the Constitution.”

7. Through the instant writ petition the petitioner has prayed for, *inter alia*, the following reliefs :

“a) Issue a writ in the nature of Mandamus directing the Respondent authorities to consider the representation of the petitioner dated 15.07.2025 (Annexure P/ 10)

b) Issue a writ in the nature of Prohibition restraining the Respondent authorities from interfering with or obstructing the lawful transport of coal consignment accompanied with valid documents.

c) Issue a writ in the nature of Certiorari to certify and produce all records relating to this case so that conscionable justice may be admissible.

d) Direct the Respondent authorities to compensate the Petitioner for financial losses and damages to reputation caused by the illegal detention of coal and vehicle.”

Submissions :

8. Ms. Tanuka Basu, learned Advocate appearing virtually for the petitioner submits that due to the alleged unlawful seizure of coal along with the concerned vehicle seized by the police authority, but ultimately released by the police authority pursuant to the direction of the coordinate Bench dated **December 23, 2024**, the petitioner has suffered a huge business loss, as mentioned in the said justice demand dated **July 15, 2025**, already quoted above.

9. The petitioner seeks to enforce the said claim for alleged compensation arising out of the damages allegedly suffered by the petitioner through this writ petition.
10. Learned Advocate for the petitioner submits that a writ petition is maintainable for awarding damages and compensation. The petitioner relying upon the bills and other documents appended to the writ petition which were also produced before the police authority submits that, the sufficient evidences are there to come to a conclusive finding that the petitioner has suffered damages and hence compensation claimed in the said justice demand is just and lawful and the same shall have to be paid. The petitioner accordingly prays for consideration of those bills by the police authority and to pay compensation. In support of her claim, Ms. Basu, learned Advocate has also relied upon e-mail at **pages 46 to 48** to the writ petition.
11. Ms. Bedashruti Bose, learned Advocate led by Mr. Pretom Das, learned Advocate appearing for the respondents State submits that this writ petition is not maintainable claiming compensation and damages against the police authority. The disputes raised by the petitioner for claiming compensation is purely civil and requires a detailed fact-finding inquiry. In any event, **prayer (b)** to the writ petition cannot be allowed, because of the fact that, if in the event any unlawful activity is carried out by the petitioner while transmitting coal without due process of law, then the police authority, who is otherwise empowered

in law to seize the vehicle and the articles therein, cannot be prohibited to do so.

Decision :

12. After considering the rival contentions of the parties and upon perusal of the materials on record this Court first reiterates the law settled on the issue.
13. The settled proposition is that, when a money claim is disputed or when a money claim be it in the nature of compensation or damages or otherwise involves disputed questions of facts and requires to be proved in a properly constituted trial, such disputed questions on money claim should not be entertained by this constitutional Court in exercising its summery power under Article 226 of the Constitution of India.
14. There is no doubt Writ Court in exercise of its equitable jurisdiction can even award compensation to an affected party but that equitable jurisdiction has to be used judiciously depending upon the facts and circumstances of the case. Every case differs from others on its respective facts.
15. On perusal of the justice demand, as quoted above, it appears to this Court that the petitioner has claimed compensation/damages against the police authority. Documents relied upon by the petitioners in support of its claim are also required to be proved for such purpose, for which Writ Court is not the forum. Triable issues are involved, which cannot be adjudicated by a Writ Court. Without ascertaining the

correctness of the claim of the petitioner upon proper adjudication, the police authority is not qualified with the jurisdiction to consider the claim for damages or compensation allegedly suffered by the petitioner, as claimed in its said justice demand dated **July 15, 2025**.

16. The claim, as raised by the petitioner is not an admitted claim on which a Writ Court can exercise its equitable jurisdiction.
17. In view of the foregoing reasons and discussions, this Court is of the firm and considered opinion that, this writ petition is totally devoid of any merit and should be dismissed.
18. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
19. With the above observations and directions this writ petition **WPA 1912 of 2025** stands **dismissed**, without any order as to costs.
20. Dismissal of this writ petition shall not preclude the petitioner to institute a properly constituted civil proceeding before the appropriate jurisdictional civil forum in accordance with law, if the petitioner is otherwise found to be eligible for the same in accordance with law.
21. However it is made clear that, this Court has not gone into the merits of the claim of the petitioner or the rival claims of the respondents, if any thereto.
22. In the event, such a civil proceeding is instituted, all points shall be kept open for the parties to urge.

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

(Aniruddha Roy, J.)