05.02.2026
Ct. no.10
Sl. 2
b.r.

WPA 3112 of 2023

Souvik Porel

Vs.

The State of West Bengal & Ors.

Mr. Niraj Gupta
Mr. Manisha Paswan
.... For the petitioner

Mr. Pantu Deb Roy, Ld. AGP
Mr. Subrata Guha Biswas
..... for the State.
Mr. Dipanjan Dutt
Mr. Soumodip Ghosh
.... For the Resp. no.6.

1. Affidavit of service filed in Court, is taken on record.

2. An apparent typographical error crept in the order dated 20.01.2026 in respect of the cause title wherein it is written as **"WPA 3112 of 2025"** it should be read as **"WPA 3112 of 2023".** The other part of the order 20.01.2026 remains unaltered.

3. The petitioner is the registered owner of a vehicle having Registration No. WB17N2962 (Track) hypothecated with HDB Finance Limited. The instant case is with regard to the violation of 51(5) of the Motor Vehicles Act, 1988 by the Registering Authority in transferring the ownership of the vehicle in question in favour of the third person.

4. It is submitted by the learned counsel for the petitioner that even after making the payment of the EMI to the financier the vehicle has been illegally and forcefully seized from the possession of the petitioner and has been put up for sale by auction.

5. The said vehicle has already been sold in favour of the respondent no.6 by way of auction and the vehicle is in possession of the auction purchaser.

6. The petitioner has made a representation before the authority concerned with regard to the transfer of ownership of the said vehicle without giving him opportunity of hearing, but the same remains pending for consideration.

7. Mr. Pantu Deb Roy, learned Additional Government Pleader appearing for the State-respondents submits that the ownership of the vehicle has already been transferred and registered on the Vahan portal under the Registering Authority, Mathabhanga, Cooch Behar.

8. The State submits that such transfer of the ownership has been done during the pendency of the writ petition. A report of respondent No.4 dated 20.01.2026 is filed which is reproduced below:

> "In order to avoid any further complication and to ensure that no action is taken which

may prejudice the matter pending adjudication before the Hon'ble Court, this office has put a digital tag" Not to be Transacted" on the concerned records.

This action has been taken purely as a precautionary measure in deference to the judicial proceedings. This office remains fully prepared to withdraw the said digital tag forthwith upon receiving appropriate direction/order from the Hon'ble High Court."

9. A copy of such report dated 20.01.2026 is kept with the record along with the reason assigned by the respondent no.4 for not unlocking the subject vehicle.

10. The private respondent no.6 submits that despite making the entire payment for purchasing of the subject vehicle in auction, the same has been locked by the respondent no.4 for the reasons enumerated below:-

> "Locked by Mathabhanga ARTO, West Bengal due to reason Court case, WPA 3112 of 2023, In the Matter of an application under Article 226 of the Constitution of India and in the matter of Souvik Porel..... petitioner versus The State of West Bengal & Ors.....respondents dated 22-Nov-2023."

11. Having heard the parties upon perusing the available records, I direct the petitioner to make a fresh comprehensive detailed representation before the respondent no.4 within a period of four weeks from date.

12. The same shall be considered by the respondentno.4 within a period of six weeks from the date of presentation of the representation and shall pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner, auction purchaser and other stake holder, if any. And communicate such decision within a week thereafter.

13. With the above observations and directions, the writ petition, ***WPA 3112 of 2023*** stands ***disposed of*** without going into the merits of the case.

14. In the meantime, the respondent no.4 is directed peremptorily within a period of seven days to withdraw the digital tagging and release the vehicle to ply on record in accordance with law.

15. It is also made clear that at the time of hearing, the respondent no.4 shall also consider the levy of interest and incidental charges relating to taxes/fees accrued during the digital tagging as demanded from the auction purchaser.

16. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)