

January 7, 2026
(17) ARDR

WPA 28303 of 2025

Pranab Barik
Vs.
The State of West Bengal & ors.

Adv. Koushik Dey,
Adv. Chitrak Biswas,

... for the petitioner.

Adv. Sucharita Roy Mukherjee,
Adv. Kaustav Chatterjee,

...for the State.

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

None appears for the private respondents despite service.

Leaned counsel for the petitioner submits that the petitioner is the owner of the bus in question and handed over the same to the 9th respondent for plying the same for a limited period pursuant to an arrangement between them. Since the 9th respondent failed to abide by the terms of the arrangement, the consent was withdrawn by the petitioner who demanded return of the vehicle to him. The private respondents continued to possess the vehicle for which the petitioner approached the Transport Directorate, Government of West Bengal. By an order passed on 16th September, 2025, the department held that the 9th respondent had no lawful right to remain in possession of the vehicle since there was no valid transfer of ownership in her favour. This private respondent was directed not to ply the vehicle on road. The petitioner was directed to take necessary steps to regularise the registration and obtain permit, fitness certificate, clear tax arrears with penalty

and settle all pending cases before plying the vehicle. Learned counsel submits that unless possession of the vehicle is made over to the petitioner, he is not in a position to comply with the direction of the department.

It appears from the report submitted by the State that admittedly the petitioner is the registered owner of the vehicle which is in possession of the 9th respondent at present and is lying at Anandapur bus depot.

In view of the above and also since the petitioner has been directed to comply with the requisite formalities with regard to the vehicle before plying the same, the 7th and 8th respondents are directed to handover possession of the vehicle in question to the petitioner within three days from date. The police authority shall ensure that there is no breach of peace at the time of handing over possession of the vehicle and no untoward incident occurs.

With the aforesaid direction, the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)