09.11.2026
Sl. No.17.
Ct. No.03
Suman

WPA 31363 of 2026

Abdul Bari Sardar
-Vs-
The State of West Bengal & Ors.

Mr. Gazi Faruk Hossain
Mr. V. Roy
..for the petitioner

Mr. Sukanta Ghosh
..for the State

1. Learned advocate representing the petitioner submits that the petitioner is the owner of a six-wheeler TATA Motors Goods Carrier bearing registration No.WB23D9531, registered by the Government of West Bengal and hypothecated in favour of Tata Capital Finance Limited.

2. He further submits that on October 13, 2026 at about 6.30 a.m., the aforesaid vehicle was engaged in loading white sand from the premises of Sardar Enterprise of Proprietor Hafijur Sardar within the jurisdiction of Basirhat Police Station.

3. At this point of time, the said vehicle was seized by the police authorities attached to Basirhat Police Station.

4. Learned advocate representing the petitioner further submits that such seizure and continued detention of the said vehicle is illegal.

5. The petitioner has not been furnished with any details with regard to any case in connection with such seizure.

6. He further submits that the petitioner is suffering from serious financial hardship inasmuch as he is unable to use the said vehicle for his business purpose.

7. Consequently, he has been constrained to file the present writ petition before this Court.

8. Learned advocate representing the State Respondents submits that the vehicle is lying in the custody of Basirhat Police Station.

9. He submits that the proper remedy of the petitioner would be to approach the jurisdictional Executive Magistrate and seek release of the vehicle by providing relevant details and supporting documents in respect of the ownership of the vehicle as well as the legality of the activities of the petitioner in connection with the said vehicle.

10. He further submits that a seizure list was prepared on October 13, 2026 and there is also a G.D. Entry of such date.

11. I have heard the submissions of the learned advocates representing the parties, and I have considered the materials on record.

12. This writ petition is disposed of by permitting the petitioner to approach the jurisdictional Executive Magistrate by filing a formal application seeking release of the vehicle in question in favour of the petitioner.

13. Needless to say, the petitioner is to satisfy the said Executive Magistrate about the ownership of the vehicle as well as the activities being carried out by the petitioner in connection with the said vehicle at the time of seizure of the same.

14. If such application is filed, the learned jurisdictional Executive Magistrate is requested to dispose of the same in accordance with law at the earliest.

15. Since no affidavit-in-opposition has been called for, the allegations contained in the writ petition are deemed not to have been admitted.

16. There will be no order as to costs.

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

18. Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties upon compliance with the requisite formalities.

(Rishad Medora, *J.*)