

24.03.2026

Ct. No. 5
Sl. No.11
akd

In The High Court at Calcutta
Circuit Bench at Jalpaiguri

W. P. A. 146 of 2026

[Ashamoni Khatun -Vs- The State of West Bengal & Ors.]

Mr. Satyam Sarkar
... .. for the petitioner

Mr. Momenur Rahman
Mr. Sumit Kumar
... for respondent no.4

Mr. Hirak Barman
Mr. Bikash Singha
... .. for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner has preferred the present writ petition, inter alia, seeking a direction upon the respondent no. 3 to act on the basis of the written representation dated 26.03.2025 and upon the respondent no.2 to conduct a immediate and full fledged investigation with regard to the alleged fraudulent transfer of the vehicle bearing registration No. WB85-3697.
3. It is the case of the petitioner that the aforesaid vehicle was originally registered in the name of her deceased husband viz. late Atarul Haque, who expired on 12.02.2022 in an accident. It is contended that subsequent to his death, the ownership of the said vehicle was fraudulently transferred in favour of one Sujit Barman on 16.12.2022 i.e. nearly ten months after the demise of the original owner. It is further contended that upon coming to know of the alleged

fraudulent transfer, the petitioner had lodged a police complaint pursuant to which Mekhliganj Police Station Case No. 272 of 2023 was registered under Sections 420/468/379/406/34 of the Indian Penal Code. Upon completion of investigation, a charge sheet bearing No. 314 of 2023 was filed. It is submitted that the petitioner had also approached the respondent no.3 by submitting representations dated 31.08.2023 and 26.03.2025 respectively, requesting, inter alia, cancellation of the alleged fraudulent transfer and for taking appropriate steps including seizure of the vehicle. However, no steps have been taken by the said respondent no.3 till date. Being aggrieved by such inaction, the petitioner has approached this court by filing the present writ petition.

4. Learned Advocate for the State-respondents submits that the respondent no.3 has no objection in considering the representation of the petitioner dated 26.03.2025 in accordance with law.

5. In view of the submissions made by the learned Advocate for the State-respondents, learned counsel for the petitioner submits that his client shall be satisfied if the representation dated 26.03.2025 is decided in a time bound manner by the respondent no.3.

6. Considering the submissions made on behalf of the respective parties and upon perusal of the materials placed on record and without entering into the merits of the claim of the petitioner, this Court directs the Additional Regional Transport Officer, Mathabhanga Additional Regional

Transport Office (respondent no.3) to consider and dispose of the petitioner's representation dated 26.03.2025 in accordance with law and in terms of the relevant rules, by passing a reasoned and speaking order within a period of eight weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner as well as the private respondent no.4.

7. Needless to mention that this Court has not expressed any opinion on the merits of the claim of the petitioner and all issues are left open to be decided by the competent authority in accordance with law.

8. With the aforesaid directions, the present writ petition is disposed of.

9. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)