

25.03.2026

Ct. No. 5
Sl. No.6
akd

In The High Court at Calcutta
Circuit Bench at Jalpaiguri

W. P. A. 1230 of 2025

[Md. Ramjan Ali -Vs- The State of West Bengal & Ors.]

Mr. Abhishek Sarkar
... .. for the petitioner

Mr. Subir Kumar Saha .. ld. A.G.P.
Mr. Pradip Sarkar
... .. for the State

1. The petitioner has preferred the present writ petition challenging, inter alia, the inaction on the part of the respondent authorities in not passing a reasoned order on his representation dated 13.04.2022. By the said representation, the petitioner had prayed that his vehicle being a tractor bearing registration No. WB71B-6577 be not put to auction so as to enable him to prefer an appeal. The record discloses that the said vehicle was confiscated by an authorized officer of the Kalimpong district by an order dated 17.03.2022 on the allegation that the same was being used for transportation of river bed material (boulder) measuring volume 30 cft. without a valid transit pass or requisite document.

2. Admittedly, the petitioner did not prefer an appeal before the appellate authority within the prescribed statutory period of 30 days. The explanation sought to be offered for non-filing is that there was a cease work observed by the Kalimpong Bar Association and that the petitioner was subsequently unwell. It is further evident that the petitioner had submitted a representation dated

13.04.2022 requesting that the vehicle be not put to auction so as to enable him to file an appeal. However, no appeal has been preferred till date.

3. The petitioner had thereafter issued legal notices dated 29.08.2023 and 19.08.2024 respectively and in absence of any response, the petitioner has approached this Court by filing the present writ petition.

4. Upon consideration of the materials placed on record, it is evident that although the confiscation order was passed way back on 17.03.2022, the petitioner failed to avail the statutory appellate remedy within time and has in fact not preferred any appeal even for more than four years. The respondent authorities cannot be expected to keep the matter in abeyance indefinitely on the mere apprehension that the petitioner may choose to file an appeal at some uncertain future point of time at his whims and fancy.

5. In such circumstances, this Court does not find any merit in the writ petition and the same is accordingly, dismissed.

6. The respondent authorities shall however, be at liberty to deal with and/or dispose off the vehicle in accordance with law.

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

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

(Gaurang Kanth, J.)