

WP(C) 3486/2016

BEFORE

HON'BLE MR. JUSTICE HRISHIKESH ROY

The petitioner is the owner of a TATA Truck bearing Registration No.AS-25/AC-9444, which was purchased with loan for Rs.9,92,000/-, provided by the Bhangagarh branch of the M/s IndusInd Bank Limited. Because of temporary default in paying the EMI during April/May, 2015, the bank took forcible possession of the truck on 22.06.2015 and since then, the petitioner is trying to secure release of the truck, so that he can restart his business and also deposit the EMI to the bank.

However, the bank authorities have entrusted the seized truck to a 3rd party and when this illegal act was noticed by the borrower, on his complaint, the truck was seized by the police on 30.04.2016 and currently the truck is kept under custody in connection with the Bhangagarh P.S. Case No.232/2015, registered under Section 406/409/420 IPC.

Recently the IndusInd Bank on 19.06.2015 (Annexure-7) wrote to the DTO, Amingaon for cancellation of the truck permit and since the respondents have indulged in all these coercive activities and have avoided the legal process, the petitioner is before the Court.

In view of above, let Notice returnable in 4(four) weeks be issued. Mr. S.S. Roy, the learned Central Govt. counsel accepts notice for respondent No.1, while Ms. K. Dutta, the learned standing counsel for the Transport Department accepts notice for respondent No.2. The Govt. advocate Ms. M. Goswami accepts notice for respondent Nos.3 and 5. Extra copies be furnished to all the 3 lawyers.

Steps be taken by the petitioner to serve notice on other respondents by registered post.

The learned counsel has prayed for an interim order, but I am of the view that without consideration of the response of the bank authorities, interim order should not be passed in the present matter.