

26-08-2019
Court No.2
Sh/28.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 87 OF 2019

**Milan Dhar. Petitioner.
Vs.
State of West Bengal & Ors. . Respondents.**

Mr. N. I. Khan,
Mr. Amlan Kumar Mukherjee.
 . . .For the Petitioner.
Mr. Bikramaditya Ghosh,
Mr. Momenur Rahaman.
 . . .For the State.

The grievance of the petitioner is that, it is settled law that the vehicles which the petitioner and like people are plying, can be replaced when they exhaust their stipulated lifetime, by vehicles of equal nature.

However, despite the representation of the petitioner to the respondent authorities to consider the request of the petitioner to replace their present three-wheeler vehicles by vehicles of the same nature, the said representation is not being decided by the respondent authorities.

Although there were previous directions for filing affidavit-in-opposition, no opposition has been filed by the State till date. However, on the submission of the respondent-authorities, instead of waiting further for such affidavit, particularly in view of the innocuous nature of the order proposed to be passed, it is deemed that the respondents do not admit any of the allegations made in the writ petition.

WPA 87 of 2019 is, thus, disposed of by directing the respondent no.2 to consider the representation made by the petitioner, which is appearing at page 58 of the present writ petition, and pass a reasoned order thereon in accordance with law after giving the petitioner a hearing on the same, within one month from this date.

It is made clear that in the event the petitioner decides to approach the authorities concerned with any fresh application on the basis of subsequent resolutions, the authorities will be free to consider such application without being prejudiced unduly by any of the observations made in this order.

There will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be made available to the learned advocates appearing for the parties upon compliance of due formalities.

(Sabyasachi Bhattacharyya,J)