

19.07.2021.  
Item no. 44.  
Court No.13  
ap

**W.P.A. No. 10959 of 2021  
(Through Video Conference)**

**Shri Bikash Sarkar  
Versus  
The State of West Bengal & Ors.**

Mr. Sobhan Majumder,  
Mr. Himangshu Ghosh.

...For the petitioner.

Mr. Amal Kumar Sen, Id. AGP,  
Mr. Jaladhi Das.

...For the State.

Mr. Baidurya Ghosal,  
Ms. Trishita Bera.

...For the respondent nos.3, 4, 5, 8 & 9.

Counsel for the petitioner complains that his application before the Motor Vehicles Authority to permit him to ply on vehicle from Majdia Railway Station to Paglakhali via Sakdah Bazar and is not being considered till date.

Counsel for the State, Mr. Sen, controverts the submission of Counsel for the petitioner. He submits that the writ petitioner was considered for issuance of RTA permit on 29<sup>th</sup> September, 2016 and was asked to produce certain documents which has not been done.

The petitioner was once again on 30<sup>th</sup> July, 2019 considered for issuance of Road Permit under Gatidhara Scheme of the State and was asked to produce documents which he has not done. Finally on 9<sup>th</sup> January, 2020 the writ petitioner was in fact cleared for issuance of permit subject to scrutiny of sanction letter from Gatidhara Cell.

Counsel for the Bank submits that the petitioner had availed loans and advances for purchase of light Maxximo Mini Van and outstanding dues as on 2019 i.e. when the account became NPA is in the region of about Rs.4.20 lakhs.

It is submitted that the proceeding under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has been instituted by the Bank.

This Court notes that since the Motor Vehicles Act does not prohibit issuance of permit unless the possession of the vehicle is taken away from the applicant, the Regional Transport Authority may consider issuance of road permit to the petitioner, subject to his complying with all the formalities that may be stipulated by the RTA or the concerned Scheme in accordance with law.

Needless to mention that the aforesaid permit shall be subject to any rights that Bank may exercise strictly in accordance with law.

With the aforesaid directions, the instant writ petition shall stand disposed of.

The original documents produced by Mr. Sen in Court today may be kept with the record.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

**(Rajasekhar Mantha, J.)**

