

21.01.2022
sayandeep
Sl. No. 18
Ct. No. 05

WPA 15000 of 2021

[Via Video Conference]

Kalipada Nandi
-Versus-
The State of West Bengal & Ors.

Mr. K. D. Poddar
Mr. Amit Kr. Dutta

..... for the petitioner

Mr. Amal Kr. Sen
Mr. Suman Sengupta

..... for the State

Mr. Partha Pratim Roy

..... for the private respondent

The writ petitioner seeks a mandamus on the respondent authority being the State respondent to take necessary steps for registration of the petitioner's two-wheeler which the petitioner purchased from the private respondent on 21st May, 2020. According to learned counsel appearing for the petitioner, the private respondent had full knowledge of the order passed by the Supreme Court on 27th March, 2020 by which an earlier deadline on the sale of BS-IV vehicles passed sometime in 2018 was continued by the Supreme Court. Counsel submits that the petitioner was not aware of the order passed by the Supreme Court and that the private respondent is entirely to blame for the sale of such vehicle to the petitioner. According to learned counsel, the private respondent

as the seller of the vehicle is under a statutory obligation to take registration of the same.

Learned counsel appearing for the State respondent places two orders passed by the Supreme Court on 27th March, 2020 and 15th June, 2020 and submits that by reason of such orders, by which the Supreme Court refused to extend the deadline beyond 31st March, 2020, the State respondent cannot take any steps in terms of the registration of the petitioner's vehicle. It is also submitted that no application was received by the RTA for registration of the vehicle.

Learned counsel appearing for the private respondent submits that the petitioner was fully aware of the orders of the Supreme Court on the date of purchase of the vehicle.

Upon hearing learned counsel appearing for the parties, it appears that how the dispute of the petitioner and the prayer made for registration of the petitioner's vehicle is directed against the private respondent.

The orders passed by the Supreme Court make it clear that the Supreme Court refused to extend the deadline in terms of registration of BS-IV vehicles beyond 31st March, 2020. It is relevant that the restraint on registration of BS-IV vehicles was first

passed in 2018. The orders of March and June, 2020 merely continued that restraint. Hence, the contention that the petitioner was unaware of such orders on the date of purchase cannot be accepted. This Court in any event cannot direct the respondents to register a BS-IV vehicle which has specifically been stopped by the Supreme Court by several orders referred to above.

It is also relevant that the dispute and the relief claimed is directed against the private respondent and it is hence arguable whether the writ petition continues is maintainable or not. The petitioner naturally has other recourses available to him against the private respondent.

In view of the above reasons, WPA 15000 of 2021 is dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)