

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 18047 of 2022

Ajit Kumar Kali
Vs.
The State of West Bengal & Ors.

Mr. N.I. Khan,
Mr. Amlan Kumar Mukherjee
...for the petitioner

Mr. Amal Kumar Sen,
Mr. Jaladhi Das
...for the State

Upon hearing learned counsel appearing for the parties, the dispute which has cropped up in the present writ petition is apparently the alleged non-consideration of the representation given by the petitioner on July 12, 2022 within the contemplation of Section 81 of the Motor Vehicles Act, 1988 read with Rule 151 of the West Bengal Motor Vehicles Rules, 1989 by the respondent-authorities.

On the ground of prolonged medical treatment of the members of the petitioner's family, the petitioner sought, albeit after a delay but agreeing to pay late fees, for consideration of the petitioner's application for renewal of permit.

It has rightly been pointed out by learned counsel for the respondent-authorities that although the representation-in-question was given to the Secretary,

Regional Transport Authority, the Regional Transport Authority, Howrah (respondent no. 2) is the authority having jurisdiction to consider such issue, subject to filing of an application in appropriate format and deposit of late fees as per the scale as prescribed in Schedule E-3 of the 1989 Rules by the petitioner.

Accordingly, W.P.A. No. 18047 of 2022 is disposed of by granting liberty to the petitioner to apply in appropriate format, along with due late fees as prescribed in Schedule E-3 of the West Bengal Motor Vehicles Rules, 1989, praying for renewal of the permit of the petitioner's vehicle in consonance with the prayer made in the present writ petition.

If such an application is made and subject to compliance of due formalities, the respondent no. 2 shall consider the same sympathetically on the ground of medical exigencies of the petitioner and decide on the same as expeditiously as possible, preferably within eight weeks from the date of filing such application, after giving adequate opportunity of hearing to the petitioner, in accordance with law.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)