

September 5, 2022
ARDR
(539)

WPA 18714 of 2022

Atish Gupta
Vs.
The State of West Bengal & Ors.

Mr. D. K. Samanta,
Mr. Biswapriya Samanta,
...for the petitioner.
Mr. Pantu Deb Roy,
Mr. Pannalal Bhattacharyya,
...for the State.

Affidavit of service filed by the petitioner is taken on record.

The writ petitioner has prayed for issuance of writ in the nature of mandamus commanding the 3rd respondent to grant permit for replacement of vehicle for enabling the petitioner to place the new vehicle having registration No.WB55B-6112 (BS-VI compliant vehicle) in place of the existing vehicle bearing registration No.WB55B-1712 (BS IV compliant) subject to the result of the writ petition being WPA 19080 of 2021. The petitioner submitted a representation in this regard before the 3rd respondent on 21st June, 2022 and prays for a direction upon the said respondent to consider the same accordingly.

It is submitted that WPA 19080 of 2021 assailed the validity of the permit issued in favour of the petitioner.

Section 83 of the Motor Vehicles Act, 1988 allows a holder of a permit to replace any vehicle covered by the permit by any other vehicle of the same nature upon permission of the authority by which the permit was granted.

It is submitted on behalf of the respondents that the 3rd respondent be directed to act in terms of prayer (a) of the writ petition.

In view of the same, the writ petition is disposed of in terms of prayer (a).

The 3rd respondent is directed to consider and dispose of the representation submitted by the petitioner dated 21st June, 2022 upon compliance of all necessary formalities by the petitioner, subject to the result of the writ petition being WPA 19080 of 2021.

With the above directions, WPA 18714 of 2022 is disposed of. There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)