

WPA 21231 of 2022

Broja Mohan Ghosh
Vs.
The State of W.B. & Ors.

Mr. Sankar Nath Mukherjee
Mr. Niraj Gupta ...for the petitioner.

Ms. Anwari Quraishi
Ms. Zainab Tahir ...for the State.

The petitioner claims to be the registered owner of the vehicle in question which is registered under the Registering Authority at North 24 Parganas. The petitioner complains that the said vehicle has been transferred to the address of the Registering Authority at Kalimpong without any application being made by the petitioner, in violation of Section 49 of the Motor Vehicles Act, 1988.

Learned counsel for the respondents submits written instruction issued by the Regional Transport Officer, Kalimpong, which demonstrates that there has been no transfer of ownership of the vehicle in question and the office has issued duplicate Registration Certificate and Fitness Certificate in respect of the said vehicle which is registered in the name of the petitioner.

It is evident from the material on record that no application was made by the petitioner for change of address in regard to the said vehicle and it is not explained

by the respondents under what circumstances and authority duplicate registration certificate was issued by the Registering Authority at Kalimpong without any prayer being made by the petitioner to that effect.

The petitioner admittedly being the registered owner of the vehicle which was registered under the Registering Authority at North 24 Parganas, the writ petition be allowed in terms of prayer (a).

The 3rd respondent is directed to recall the change of address in respect of the vehicle in question and restore the same to its original registered address in terms of the representation submitted by the petitioner on 30th June, 2022.

With the above observations and directions this writ petition being WPA 21231 of 2022 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)