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jdt.

07.11.2022
jb.

W.P.A. 22897 of 2022
(Rabindra Nath Saha vs. State of West Bengal & Ors.)

Mr. Aslam Khan
.... For the Petitioner

Mr. Amal Kr. Sen
Mr. Jaladhi Das
.... For the State

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

It is contended on behalf of the petitioner that the petitioner is an operator of goods carrier of Tata Motors which is engaged in carrying chicks, ducklings and goat and registration certificate of the vehicle demonstrates the body type of the vehicle as 'closed body'. Certificate of fitness with regard to the said vehicle was granted to the petitioner and renewed from time to time, which expired on 22nd August, 2022. The petitioner applied for further renewal of the certificate of fitness before the concerned authority and upon inspection of the vehicle, the authority turned down the prayer of the petitioner on the ground that the type of the vehicle was altered to 'closed body' vehicle. The petitioner prays for a direction

upon the authority to renew the certificate of fitness of the vehicle on the ground that the vehicle was classified as 'closed body' vehicle since its registration.

Upon consideration of the submission made on behalf of the parties and material on record, this Court is inclined to hold that since the vehicle has been registered as 'closed body' vehicle in the registration certificate issued by the concerned authority, the concerned authority be directed to consider the application filed by the petitioner in this regard on 30th August, 2022 and consider granting renewal of certificate of fitness in favour of the petitioner.

Accordingly, the writ petition is disposed of directing the 5th respondent to consider and dispose of the application submitted by the petitioner on 30th August, 2022 and further consider grant of renewal of the certificate of fitness of the vehicle in question in favour of the petitioner upon taking into account the body type of the vehicle as recorded in the registration certificate of the vehicle within a period of four weeks from the date of communication of this order upon granting reasonable opportunity of hearing to the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)