

June 21, 2023
ARDR
(119)

WPA 2345 of 2023

Md. Hasanuzzaman
Vs.
The Union of India & Ors.

Adv. Dilip Kumar Samanta,
Adv. Biswapriya Samanta,
Adv. Tithi Paul,

...for the petitioner.

Adv. Pantu Deb Roy,
Adv. Subrata Guha Biswas,

...for the State.

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

The petitioner has assailed the order of the Regional Transport Officer, Nadia passed on 17th January, 2023 turning down the request of the petitioner for issuance of trade certificate in favour of his company, being M/s. A.M. Auto Centre.

A similar issue has been decided by a coordinate Bench of this Court by an order passed on 25th January, 2022 in WPA 13 of 2022, wherein this Court set aside the order impugned therein and directed the concerned authority to reconsider the application of the petitioner within a stipulated time frame.

Upon consideration of the submission made on behalf of the parties and perusal of the order under reference, this Court is inclined to hold that the order impugned is required to be set aside and the concerned

authority is directed to revisit the issue in the light of the order passed by this Court earlier.

Accordingly, the order passed by the Regional Transport Officer, Nadia passed on 17th January, 2023 is set aside.

The concerned authority, being the 5th respondent herein, is directed to reconsider the application submitted by the petitioner within four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner and in the light of the observation made by this Court in the order passed on 25th January, 2022 in WPA 13 of 2022.

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

With the aforesaid directions, WPA 2345 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

(Suvra Ghosh, J.)