

June 05, 2023  
(995) ARDR

**WPA 7557 of 2023**

Dibyendu Saha  
Vs.  
The State of West Bengal & ors.

Adv. Sanat Kumar Roy,  
Adv. Abhishek Banerjee,  
...for the petitioner.  
Adv. Pantu Deb Roy,  
Adv. Pannalal Bandyopadhyay,  
...for the State.

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

It is contended on behalf of the petitioner that the 7<sup>th</sup> respondent was the owner of the permit bearing no.22/2007(I/R) in respect of vehicle no.WB41B-7125 on the route Krishnanagar to Bardhaman via Malamba, Kusumgram, Nabadwip and the permit is valid upto 17<sup>th</sup> February, 2027. The vehicle attached to the permit completed the age of 15 years in 2020 and due to incapability of the 7<sup>th</sup> respondent to replace the said vehicle by a higher model vehicle, the said respondent along with the petitioner submitted a joint application before the concerned authority seeking transfer of the permit in favour of the petitioner. The Secretary, State Transport Authority allowed the said transfer in favour of the petitioner and by a letter issued on 2<sup>nd</sup> December, 2022, the RTO and Assistant Director, State Transport Authority, West Bengal requested the Regional Transport Authority, Purba Bardhaman to take necessary action for transfer of

ownership of the vehicle. The petitioner submitted a representation before the Secretary, State Transport Authority, Kolkata on 7<sup>th</sup> February, 2023 seeking replacement of the vehicle of higher model registered in the name of the petitioner which is yet to be considered. The petitioner prays for a direction upon the authority for consideration of the representation at the earliest.

Learned counsel for the petitioner takes this Court to the guidelines issued by the Government of West Bengal, Transport Department on 1<sup>st</sup> March, 2023, Clause B(c) of which demonstrates that replacement of vehicle should be encouraged to be made by higher model vehicle or at least by similar technical specification including BS norms/age of the existing vehicle, in compliance to this order in terms of the Rule 153 of the West Bengal Motor Vehicles Rules, 1989 subject to decision of the respective transport authorities. Learned counsel submits that the vehicle sought to be placed for replacement is of a higher model than the existing vehicle.

It is submitted on behalf of the respondents that the 4<sup>th</sup> respondent be directed to consider the application made by the petitioner in accordance with law.

In view of the above, the writ petition is disposed of directing the 4<sup>th</sup> respondent to consider and dispose of the application submitted by the petitioner dated 7<sup>th</sup> February, 2023 in terms of the letter issued by the RTO and Assistant Director, State Transport Authority, West Bengal to the Regional Transport Authority, Purba Bardhaman on 2<sup>nd</sup>

December, 2022 and in the light of the guidelines particularly clause B(c) issued by the Government of West Bengal, Transport Department on 1<sup>st</sup> March, 2023 within four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law.

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

With the aforesaid directions, WPA 7557 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.)**