

327
jdt.

15.09.2023
jb.

W.P.A. 12502 of 2023
(Paramesh Sikder vs. State of West Bengal & Ors.)

Mr. Souvick Mitra
Ms. Subhasri Chatterjee
.... For the Petitioner
Mr. Pantu Deb Roy
Mr. P. L. Bandyhopadhyay
Mr. Subrata Ghosh Biswas
.... For the State

Heard learned counsel for the parties.

The order passed by the District Magistrate and Collector and Chairman, RTA, Nadia on 2nd June, 2022 is assailed in the writ petition. It appears from the order impugned that the order has been passed by the District Magistrate in contravention of Section 68 of the Motor Vehicles Act 1988. Also, though the order records that the petitioner was given an opportunity of hearing despite which he was absent before the authority at the time of hearing, there is nothing on record to suggest that notice of hearing was issued to the petitioner by the authority prior to the hearing.

In view of the above, the order impugned is set aside.

The concerned authority, being the 2nd respondent herein is directed to revisit the issue upon affording reasonable opportunity of hearing to all the stake holders including the petitioner and take a reasoned resolution within six weeks from the date of communication of this order, 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.)