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jdt.

08.09.2023
jb.

W.P.A. 21015 of 2023
(Ali Mohammad Khan vs. Union of India & Ors.)

Mr. Dilip Kr. Samanta
Mr. Biswapriya Samanta
Ms. Tithi Paul

.... For the Petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas

.... For the State

Ms. Susmita Saha Dutta
Mr. Niladri Saha

.... For the Union of India

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

The petitioner seeks a direction upon the concerned authority for issuance of trade certificate in favour of the petitioner. The petitioner applied for issuance of trade certificate before the authority which was received by the latter on 5th February, 2023. The application has not been disposed of as yet, nor any trade certificate issued.

Learned counsel for the petitioner takes this Court to Rule 35(2) of the Central Motor Vehicles Rules, 1985 which demonstrates that if such an application is not disposed of within a period of thirty days the application shall be deemed to be approved and trade certificate shall be deemed to be granted through the portal.

Learned counsel for the State respondents submits that the 4th respondent be directed to consider the application in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the application submitted by the petitioner within four weeks from the date of communication of this order upon affording 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.)