

15.12.2023
rc/ct.no.10
Item No.574

WPA No. 27257 of 2023
Hareram Yadav
Versus
The State of West Bengal & Ors.

Mr. N.I.Khan
Mr. A. Mukherjee ...for the petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswasfor the State

Affidavit of service filed in Court is taken on record.

It is not in dispute that all the relevant documents pertaining in the vehicle in question had expired and were invalid on the relevant date.

Learned counsel for the petitioner submits that when the vehicle was being taken to a garage to make it roadworthy it was intercepted and seized by the motor vehicles inspector who issued challan against the petitioner on two-fold grounds :-

- (i) Plying vehicle without or invalid certificate of fitness (Rs. 10,000/-);
- (ii) Speed governed as specified and applicable as per Section 118(2) of the Central Motor Vehicles Rules, 1989 (Rs. 10,000/-)

A notice was served upon the petitioner by the motor vehicles inspector due to non-payment of the tax in respect of the vehicle.

The petitioner submitted a comprehensive representation on October 16, 2023 before the concerned authority seeking release of the vehicle since the vehicle was being taken to the garage for repairs and allegations thrust upon the petitioner were not applicable. The representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the respondents submits that the 8th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 8th respondent to consider and dispose of the representation submitted by the petitioner on October 6, 2023 within a period of two weeks from the date of communication of this order, after giving reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

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

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)