

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1518/2023

SAMBIT BASU
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:
The Hon'ble JUSTICE SUVRA GHOSH
Date : 21st September, 2023.

Appearance:
Mr. S.N. Mukherjee, Adv.
Mr. Niraj Gupta, Adv.
...for the petitioner

Mr. Amal Kr. Sen, Adv.
Mr. Lal Mohan Basu, Adv.
...for State

The Court : It is contended on behalf of the petitioner that despite submitting all relevant documents before the concerned authority for surrender of his earlier permit and issuance of a permit in his favour, such permit has not been issued by the authority till date.

Learned counsel for the petitioner takes this Court to a letter issued by the RTO and Ex officio Assistant Director, STA, West Bengal on 18th July, 2023 indicating that the surrender is pending due to NOC from financier and traffic cases for the same vide docket No.1241 dated 25th April, 2023, which are to be provided by the permit holder as early as possible.

Learned counsel further submits that the petitioner has deposited the fine/penalty in connection with the traffic cases referred to in the letter.

Learned counsel for the respondents submits that according to the provisions laid down under Section 51(6) of the Motor vehicles Act, 1988, the registered owner shall, before applying for renewal of a permit, furnish a

no objection certificate from the person with whom the registered owner has entered into the agreement for hire purchase.

It prima facie appears that the petitioner has submitted all relevant documents in connection with surrender of his earlier permit and issuance of a fresh permit in terms of the offer letter issued in his favour.

There is no provision for issuance of NOC by the financier in favour of the petitioner/registered owner in the statute for surrender of permit or issuance of a fresh permit.

In view of the above, this Court is inclined to hold that the authority be directed to accept the surrender of permit by the petitioner and take necessary steps for issuance of a fresh permit in accordance with law.

This Court directs the fourth respondent to accept surrender of the earlier permit by the petitioner and take necessary steps for issuance of a fresh permit in his favour subject to the petitioner complying with all requisite formalities and submitting relevant documents as required under the law, without insisting upon issuance of NOC by the financier, within one month from the date of communication of this order, in accordance with law.

The writ petition being WPO/1518/2023 is disposed of.

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

Since no affidavit has been invited, the allegations made in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(SUVRA GHOSH, J.)