

4
12.06.2024
Court No. 25
D.Hira

WPA 12984 of 2024

**Mohammad Murtaza
Vs.**

State of West Bengal & Ors.

**Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta.
... for the petitioner**

**Mr. Amal Sen, Id. A.G.P.,
Mr. Lal Mohan Basu.
... for the State**

1. Affidavit-of-service filed in Court today is taken on record.
2. The two Stage Carriages owned by the present petitioner being Nos. WB-41J-7486 and WB-41J-8993 have been rendered permanently incapable to be used due to the same being set ablazed. The issue involved in this writ petition is with regard to non-cancellation of the registration of those two vehicles, in spite of the condition of the same having been commensurate with the condition as laid down under Section 55 (1) of the Motor Vehicles Act, 1988, to be eligible for cancellation of registration.
3. Mr. Dilip Kumar Samanta, learned counsel appearing for the writ petitioner has indicated to the annexed document, that is, the letter issued by the Insurance Company dated August 24, 2023 to the Regional Transport Officer, Burdwan, West Bengal, to request to cancel the registration certificate of the said two vehicles.

4. He says that such request is in vain as the concerned authority, has not yet taken any action towards cancellation of registration certificate in terms of Section 55 of the Motor Vehicles Act, 1988, with respect to the said two vehicles as mentioned above.
5. He seeks adequate relief for the writ petitioner in this case.
6. Mr. Sen, learned Additional Government Pleader is appearing for the State. He is of the opinion that after verification and finding regarding unusable condition of the vehicles, there may not be any impediment for the concerned respondent authority to cancel the registration certificate as prayed for by the writ petitioner, with respect to the said two vehicles.
7. Heard the submissions perused the available records.
8. Considering all as above, this Court finds it proper to dispose of the present writ petition with the following directions:-
 - (i). The respondent no. 4/Regional Transport Officer, Purba Burdwan shall immediately consider on the basis of the available records, regarding cancellation of registration certificate with respect to the vehicles Nos. WB-41J-7486 and WB-41J-8993, in terms of Section 55 of the Motor Vehicles Act, 1988.
 - (ii). In doing so, if the said respondent authority is of the opinion regarding requirement of any further clarification or documents, it may call the writ

petitioner or any other person as it may deem fit and proper, for hearing and production thereof.

(iii). The necessary order in this regard shall be passed by the concerned respondent/respondent no. 4, within a period of four (4) weeks from the date of communication of the copy of this order, to its office.

(iv). Decision may be communicated to the writ petitioner within a period of one week from its date.

9. Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.

10. This writ petition being WPA 12984 of 2024 is disposed of, along with the connected pending applications, if any.

11. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)