

12
27.03.2025
Court No. 25
D.Hira

WPA 1413 of 2025

Anupam Nandi

Vs.

The State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee,

Sk. Samim Akhter.

... for the petitioner

Mr. Debabrata Chakraborty.

... for the added respondent

Mr. Himadri Sikhar Chakraborty,

Ms. Susnita Saha.

... for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. The present case has been filed by the second permit holder, who intends to change the permit in his name, as to sole grantee and operator, in the event of death of the first permit holder, his elder brother.
3. Mr. Sankar Nath Mukherjee, learned counsel appearing for the petitioner submits that the Secretary, State Transport Authority, West Bengal has decided by dint of its order dated February 25, 2021, in the following manner:-

“The applicants submits Affidavit from

- (i) **Alo Nandi stating therein that she is mother and legal heir and successor of her deceased son Tapas Nandi and she has no objection if the vehicle be transferred in favour of her younger son i.e. Anupam Nandi in place of my deceased son Tapas Nandi**
- (ii) **Kum Kum Nandi stating therein that she is wife and legal heir and successor of her deceased husband Tapas Nandi and she has also no objection to handover the vehicle in the custody in**

her brother-in-law Anupam Nandi before the competent authority.

The applicants submitted Legal Heir Certificate from Krishnanagar Municipality stating therein that Tapas Nandi died on 02.09.2020 has left behind the following persons as legal heirs like Alo Nandi as mother, Kum Kum Nandi as wife and Koushik Nandi as son (minor).

It is observed from the deceased permit holder Tapas Nandi and Anupam Nandi were brothers. After death of Tapas Nandi, one of the co-holder of the permit, the name of deceased permit holder would be expunged from the permit subject to the permit holder, Anupam Nandi should get the covered vehicle transferred in his name or place a vehicle lawfully owned by Anupam Nandi under the meaning of Section 2 (30) read with relevant provisions of Chapter-IV of the Motor Vehicles Act, 1988 and has BS compliance.

In this respect they may approach to the Registering Authority to do the job if so desire.

Hence, for proper appreciation of his application, he is requested to come up with a vehicle, having 'Registration Certificate' in the name of Anupam Nandi."

4. Therefore, Mr. Mukherjee says that the Secretary, State Transport Authority, West Bengal has already considered the submissions of the legal heirs of the deceased person and finding no objection to be there for transfer of the permit, in the name of the second permit holder alone, has directed that the name of the deceased permit holder would be expunged from the permit, subject to the other permit holder, who becomes the sole permit holder, after expunction the name of the other, placing a vehicle duly registered in this name.
5. The petitioner is aggrieved with the subsequent order of the Regional Transport Officer & Ex-Officio Assistant Director, State Transport Authority, West Bengal dated February 27, 2024 by dint of which, the said office has directed the petitioner for production of

further documents instead of, acting upon the previous order dated February 25, 2021.

- 6.** Mr. Mukherjee, would say that the respondent shall not have any authority in law for reopening the issue, once having finally decided over there, which decision is now binding upon the parties.
- 7.** He has submitted that due to inaction of the respondent authority in making necessary modification in the permit, the petitioner has been suffering since long.
- 8.** It is learnt from the submissions made by Mr. Mukherjee, for the petitioner that the concerned vehicle has already been transferred in the name of the present petitioner and necessary documents have been submitted by him in the office of the respondent on September 20, 2022.
- 9.** Mr. Himadri Sikhar Chakraborty, learned counsel is representing the State.
- 10.** On the previous date, on the basis of the report of the Secretary, State Transport Authority, West Bengal dated February 28, 2025, it was submitted on behalf of the State respondent that, the provisions under Rule 159(4) of the West Bengal Motor Vehicles Rules, 1989 has not been complied with by the office, while delivering the order dated February 25, 2021.
- 11.** In such view of the fact, further steps have been taken by dint of the impugned letter dated February 27, 2024, in due compliance with the provisions under the said Rules.

- 12.** Pursuant to the order of the Court, the wife and son of the deceased person have been added in the present case, as party respondents.
- 13.** Mr. Debabrata Chakraborty, learned counsel is appearing for the added respondents.
- 14.** So far as the change of the permit solely in the name of the present petitioner, the said legal heirs of the deceased person would have no objection.
- 15.** Having heard the submissions of the learned counsels and having perused the records, the Court finds that the issue has been finally decided by the Secretary, State Transport Authority, West Bengal, by dint of its order dated February 25, 2021. At that point of time, the said authority had considered affidavits of the legal heir and successor of the deceased person, that is, his mother.
- 16.** Having found the legal heir and successor of the deceased person to have raised no objection as to the prayer of the present petitioner, such prayer was allowed by the said office.
- 17.** After finally determining over the prayer of the petitioner by dint of its order dated February 25, 2021, the respondent authority is not eligible to reopen the issue unless any objection is raised or the same is challenged. There is no such event in the present case.
- 18.** In such circumstances, the Court finds no justifiable reason for the said respondent authority, not to act upon the decision vide order dated February 25, 2021.

19. In such circumstances, the Court finds that issuance of the impugned letter dated February 27, 2024 is an unnecessary and redundant exercise by the respondent authority, irrational and unreasonable too, resulting into unnecessary hardship caused to the writ petitioner.

20. For the reasons as above, the Court finds it proper to dispose of the present writ petition with the following directions:-

(i). The impugned letter dated February 27, 2024 is set aside.

(ii). Let the respondent no. 4/The Secretary, State Transport Authority, West Bengal take up immediate necessary steps for renewal of permit/reconfirmation of the permit, in favour of the writ petitioner, as a sole permit owner, after expunction of the name of the first permit holder, since deceased.

(iii). Let the entire exercise as above be concluded by the respondent authority within a period of three weeks from the date of communication of copy of this order.

21. Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.

22. With the above observations and directions, the writ petition being No WPA 1413 of 2025 is disposed of, along with the pending applications, if any.

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

(Rai Chattopadhyay, J.)