

WPA 1772 of 2025

Biswajit Samanta

Vs.

The State of West Bengal & Ors.

Mr. Baidurya Ghosal.

... for the petitioner

Mr. Pantu Deb Roy, ld. A.G.P.,

Mr. Pannalal Bandopadhyay.

... for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. The writ petitioner is the only son/sole legal heir and representative of the erstwhile permit holder, the permit being No. 16/TR/94. After death of his father, he has applied for transfer of the permit in his name, he being the sole legal heir and representative of the erstwhile permit holder, with respect to Vehicle No. WB 15D/4595.
3. Mr. Pannalal Bandopadhyay, learned counsel on behalf of the State respondent, ventilates the only objection of the State, which is with regard to the belated filing of his application by the writ petitioner, for transfer of permit.
4. It is submitted that in terms of the statutory provision under Section 82 of the Motor Vehicles Act, 1988, the petitioner had to make an application within the statutory period of three months', from the date of death of the holder of the permit.
5. It appears from record that the petitioner has applied for transfer of the permit of the erstwhile permit

holder on October 3, 2024, that is, beyond the period of three months from the date of his death.

6. The erstwhile permit holder died on August 13, 2023.
7. On consideration of the record, it further appears that the petitioner has elaborated the reasons for the delay in filing the application for transfer, in his said letter.
8. Considering the facts and circumstances as above as well as the proviso apprehended to Section 82(3) of the Motor Vehicles Act, 1988 which provides that the Transport Authority may entertain an application for transfer of permit, after expiry of the statutory period of time, upon being satisfied about the sufficient causes having been shown, the Court is inclined to dispose of this writ petition with the following directions:-
 - (i). Let the representation of the petitioner dated October 3, 2024 be considered by the respondent no. 2/The Regional Transport Authority, Hooghly, after granting a reasonable and fair opportunity to the petitioner for hearing.
 - (ii). The respondent no. 2 shall dispose of this application dated October 3, 2024, by dint of a reasoned order, if not his permit is immediately granted.
 - (iii). Let the exercise as above be concluded within a period of four weeks from the date of communication of copy of this order.
9. It is needless to mention that in case of the said respondent authority is satisfied about the reasons shown by the petitioner for delay in filing the

application for transfer of permit as well as subject to due compliance with all other statutory formalities by the petitioner, the said respondent shall allow transfer of permit in favour of the petitioner.

- 10.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 11.** With the above observations and directions, the writ petition being WPA 1772 of 2025 is disposed of, along with the pending applications, if any.
- 12.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)