

25.07.2025
Court No.652
DL/Item No.-**14**
[Milan, A.R. (Ct.)]

WPA 3342 of 2025
With
CAN 1 of 2025

Swarup Kumar Mandal
versus
The State of West Bengal & Ors.

Mr. S. Rout

.... for the Petitioner

In a disposed of the writ petition being WPA 3342 of 2025, the writ petitioner/applicant has come up with an application being CAN 1 of 2025, to seek modification of the order dated 12th March, 2025 of this Court passed in the said writ petition.

Affidavit of service was filed earlier, is taken on record.

In spite of due service of notice, none appears for the State/respondents today. Record revealed that State was not represented on the previous day too

Hence, without wasting any further time, the Court is inclined to take up the application being CAN 1 of 2025 for adjudication and disposal

The learned advocate for the petitioner/applicant is present.

Mr. Rout, learned advocate for the petitioner/applicant has submitted that the order dated 12th March, 2025 is required to be modified in so far as the permit issuing authority of the vehicle of the petitioner/applicant, which is now in damaged condition due to accident, is the State Transport Authority, West Bengal. Hearing that STA, West Bengal is statutorily authorized and obliged to take up and consider the petitioner's application dated 28th June, 2024 and 14th January, 2025.

He has prayed for modifying the order to that effect.

He has further submitted that insurance of the vehicle in question has expired on 5th July, 2025, whereas the application by the petitioner/applicant was made much before expiry of insurance of the vehicle for recovery of sum assured i.e. on 9th April, 2025.

Since none appears for the State/respondents in spite of receipt of the notice, there is nothing in contrary to whatever has been pleaded in the said application being CAN 1 of 2025, by the applicant/writ petitioner.

Considering all as above, this Court is inclined to dispose of the application being CAN 1 of 2025 by modifying paragraphs no.8 and 13 of this Court's order dated 12th March, 2025 in the following manner:-

"8. Heard the learned counsels for the respective parties and perused the documents. It appears that the permit issuing authority is the

State Transport Authority, West Bengal, before whom, the petitioner has submitted his applications dated June 28, 2024 as well as January 14, 2025”.

“13. It is made clear that the respondent State Transport Authority, West Bengal being the permit issuing authority of the petitioner, would be obliged to take up and consider the petitioner’s application dated June 28, 2024 and January 14, 2025”.

Let the corrected paragraph Nos.8 and 13 be read within the order dated 12th March, 2025 being substituted, in place of earlier paragraphs no.8 and 13.

This order forms part and parcel of the Court’s earlier order dated 12th March, 2025.

The rest of the order dated 12th March, 2025 remains same as it is.

The Court also notes that much before the expiry of the insurance policy of the damaged vehicle, an application for recovery of claim was made by the petitioner/applicant.

The application being CAN 1 of 2025 is disposed of.

(Rai Chattopadhyay, J.)