

Item No.
29
24.3.25

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side.**

WPA 5599 of 2025

**Raja Sarkar
Vs.
The State of West Bengal and Ors.**

***Mr. N.I. Khan*
Mr. Amlan Kumar Mukherjee
Mr. M.M. Roy *For the Petitioner.***

***Mr. Pantu Deb Roy*
Mr. Pannalal Bandopadhyay ... *For the State.***

Affidavit of service filed by the petitioner
is taken on record.

The writ petitioner has purchased an auto
rickshaw bearing No. RE-205-LPG. The transferor
namely, Sukumar Chatterjee is now deceased.

Mr. Khan learned Advocate appearing for
the petitioner has taken this court to the respective
deeds by dint of which purchase of the said vehicle
by the present petitioner, from the said original
owner Sukumar Chatterjee is clearly suggested.
Such transaction has taken place back in the year
2012 ie. on May 24 of 2004.

Since, thereafter the petitioner has been
plying the said vehicle which was later on scrapped
as per order of the Regional Transport Authority,

Motor Vehicles Department, Hooghly vide Notification dated August 10, 2008.

On January 10, 2012, the petitioner started plying his newly purchased LPG Auto Rickshaw.

The petitioner seeks the permit of the erstwhile owner as named above and now deceased may be transmitted in his name, in place of the erstwhile/transferor now deceased. To that effect he has written to the Regional Transport Officer, Hooghly vide letter dated January 28, 2025. Along with his representation as above, he has also furnished the draft notification to be published inviting attention of the legal heirs, if any, available of the original owner/transferor, now deceased.

Having considered the provisions made under Section 50(2) of the Motor Vehicles Act, 1988, as well as Rule 159(8) of the West Bengal Motor Vehicles Rules, 1989, the court finds that the respondent authority shall have jurisdiction and discretion to consider the petitioner's prayer as above.

Therefore, this writ petition is disposed of with the direction upon the respondent no. 2, the Regional Transport Authority, Hooghly to consider and dispose of the petitioner's application for change of name of the permit holder of the Auto Rickshaw

permit in terms of his representation dated January 28, 2025.

In doing so let the said respondent afford reasonable opportunity of hearing to the petitioner as well as pass an order as it may think fit and proper.

In case the prayer of the petitioner is rejected by the said Authority, let him pass a reasoned order stating the grounds thereof.

Let the entire exercise as above be concluded by the said Authority within a period of eight weeks from the date of communication of a copy of this order.

With the direction as above, the present writ petition being WPA 5599 of 2025 is disposed of.

Since no affidavit has been called for, allegations made in the writ petition, shall be deemed to have not admitted by the respondents.

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

(Rai Chattopadhyay, J.)