

01.05.2025
(D/L 10)
Ct.-25
(Samar)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

APPELLATE SIDE

W.P.A. 7199 of 2025

Chandra Devi Chaudhary & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Allen Felix,

...For the petitioners.

Mr. Rajarshi Basu,

Mr. K.M. Hossain,

.... For the State.

1. The petitioner is the owner of a commercial vehicle and runs the same as per permit granted to him by the respondent Authority. The vehicle has been registered before the Barrackpore ARTO. However, the last 'certificate of fitness' issued to the vehicle being no. WB 23B8166, is by the Regional Transport Officer, Durgapur.
2. The petitioner's grievance is that in spite of this vehicle being certified as a fit one in terms of the permit conditions, the respondent Authority is not allowing the same to ply. In this regard, a letter of complaint has been lodged by the petitioner dated March 23, 2025 before the Regional Transport Officer, Motor Vehicle Department, Durgapur.

3. Mr. Felix, learned advocate appearing for the petitioner has strongly relied on notification dated June 2, 2023 and by relying clause A(III)(b)(ii) therefor, he has submitted that for the region outside Kolkata Metropolitan Area (KMA), a vehicle of BS-III compliance is allowed to ply in accordance with the said notification.
4. Learned advocate appearing for the State respondent has raised strong objection as to the contention and prayer of the petitioner for two reasons, inter alia, that the vehicle has already crossed the permissible age limit for being fit to ply on road i.e. 15 years and also that the vehicle does not comply with the clause A(III)(b)(ii) of the notification dated June 2, 2023 in so far as the same is not of BS-III auto emission norms compliant one.
5. Having heard the submissions of the learned advocates, this Court finds that it is appropriate to relegate the matter to the Regional Transport Authority, Motor Vehicle Department with a direction to consider the representation of the petitioner dated March 25, 2025 immediately, after giving an opportunity of hearing to the petitioner.
6. The same should be disposed by the said authority by passing a reasoned order

positively within four weeks from the date of communication of this order. The said order of the Authority be communicated to the petitioners within one week from its date.

7. With the above direction, the present writ petition is disposed of.
8. Report of the Additional Regional Transport Officer, Durgapur dated April 4, 2025 as submitted be taken on record.
9. There shall be no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Rai Chattopadhyay, J.)