

40
21.05.2025
Court No. 25
D.Hira

WPA 8375 of 2025

**Sadhan Halder
Vs.
State of West Bengal & Ors.**

**Mr. Probal Sarkar.
... for the petitioner**

**Mr. Pantu Deb Roy, Id. A.G.P.,
Mr. Pannalal Bandopadhyay.
... for the State**

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner's vehicle was intercepted and fine was imposed for the reason of plying the same without OR/invalid certificate of fitness, on February 12, 2025 at 09:23 a.m.
3. Admittedly, at 09:23 a.m. on February 12, 2025, the petitioner did not possess of valid registration certificate for the vehicle. The same was granted to the petitioner on the same dated that is, February 12, 2025 at 12:28 p.m.
4. Before that, the registration of the vehicle of the petitioner was under process, the petitioner having applied for and deposited the registration fees on December 2, 2024 and the vehicle inspection been done on February 12, 2025.
5. In such circumstances, the petitioner is aggrieved that since the process of registration of vehicle was going on, he should not have been imposed with the fine amount vide challan dated February 12, 2025.

- 6.** In this regard, the petitioner has written several representations before the authority, the last one being dated March 18, 2025.
- 7.** Having heard the learned counsels for the respective parties and perusing the records, the Court is of the opinion that the petitioner has put his vehicle in the process of renewal of registration thereof, by paying the fees, on December 2, 2024, that is much before the date of interception and imposition of fine as to the vehicle of the petitioner.
- 8.** The process was going on till the petitioner receives his renewal certificate on February 12, 2025 at 12:28 p.m.
- 9.** However, before that, on the same date in the morning, a fine has been imposed against the vehicle of the petitioner when evidently, the registration process was going on.
- 10.** In such circumstances, the Court is prima facie of the opinion that the petitioner should not have been imposed with the fine amount due to the reason of plying the vehicle without OR.
- 11.** Be that as it may, the representation of the petitioner is pending before the authority. Let the authority decide thereupon immediately.
- 12.** Hence, this writ petition is disposed of with the direction that the Secretary, Regional Transport Authority, Murshidabad shall immediately take up the petitioner's application dated March 18, 2025 and decide thereupon in accordance with law, after affording the petitioner opportunity of hearing a

reasoned order should be passed by the same, unless a decision is taken to withdraw the decision of imposition of fine against the petitioner.

13. The entire exercise as above should be concluded within a period of four weeks from the date of communication of copy of this order.

14. Let it be mentioned that till the time the said respondent authority decides as regards the representation of the petitioner dated March 18, 2025, let the same not take any adverse steps against the petitioner in pursuance of the impugned challan dated February 12, 2025.

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

16. With the directions as above, the instant writ petition being WPA No. 8375 of 2025 is disposed of, along with the pending applications, if any.

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

(Rai Chattopadhyay, J.)