

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Ct.551 **12.06.25**
Item No.21 Sws.M

WPA 9697 of 2025

**M/s. Euler Motors Private Limited & Ors.
Vs
The State of West Bengal & Ors.**

Mr. N.I. Khan
Mr. Dilip Kumar Mandal
...for the petitioners

Mr. Amal Kumar Sen, Ld. AGP
Mr. Lal Mohan Basu
...for the State

Affidavit of service filed in Court today be kept with the record.

The petitioners complain that the respondent authorities have declined to register the models of battery operated four wheelers manufactured by the petitioners' company. The petitioners seek issuance of a writ of mandamus upon the respondents to issue certificate of registration in respect of the battery operated four wheeler vehicles manufactured by the petitioners.

Mr. Sen, learned advocate appearing for the State-respondents draws the attention of this Court to Section 41 of the Motor Vehicles Act, 1988 (hereinafter "the Act") read and Rule 47 (1) of the Central Motor Vehicles Rules, 1989 (hereinafter " the Rules) to demonstrate that for the purpose of getting a vehicle registered there must be an application in terms of the said provision accompanied by the documents required to be submitted before the

registering authority in terms of the aforesaid provisions. Mr. Sen further submits that for the purpose of getting a vehicle registered, the person should show that he is the owner of the vehicle and that he has purchased the same in the manner prescribed in Rule 47 of the said Rules.

It has been further submitted that there is nothing on record in the writ petition to evince that the petitioners are the owners of the vehicles in question and that the petitioners have applied for registration in the manner prescribed in the aforesaid provisions of the Act and the Rules.

Mr. Sen further submits that the petitioners have needlessly sought to claim parity with the plaintiff in Title Suit No. 27 of 2018 wherein an order had been passed in favour of such person by the learned Additional District Judge, 13th Court at Alipore, inasmuch as in the said case, the learned Court was concerned with e-rickshaws which carry/transport passengers, whereas the case at hand involves battery operated vehicles which are goods carriers. Mr. Sen submits that the aforesaid order would have no manner of application to the facts of the present case and the petitioners cannot be allowed to take advantage thereof.

Having heard the learned Advocates for the respective parties and having considered the material on record, this Court is of the view that the present writ petition cannot be entertained. While the petitioners have

alleged inaction on the part of the respondent Transport Authorities in registering the models of battery operated four wheelers, they have not brought on record any document which would even feebly evince that the petitioners have ever applied for registration in terms of the provisions of Section 42 of the Motor Vehicles Act, 1988 read with Rule 47 of the Central Motor Vehicles Rules, 1989. Furthermore, there is no averment in the writ petition as to when and in what capacity any application for such registration has been made by or on behalf of the petitioners. The writ petition is utterly frivolous.

In such view of the matter **WPA 9697 of 2025** is **dismissed**.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Om Narayan Rai , J.)