

N.22Sl

151/CL
02.07.25
Sl-04
Ct.551
(S.R.)

WPA 13654 of 2025

Smt. Chandra Devi Chaudhury & Ors.

v.

The State of West Bengal & Ors.

Mr. Allen Felix ... for the petitioner.

Mr. Srijan Nayak
Mrs. Rituparna Maitra ... for the State.

The petitioner assails an order dated June 4, 2025 passed by the Secretary, Regional Transport Authority, Paschim Burdwan thereby rejecting the petitioner's request for grant of certificate of fitness for the petitioner's vehicle bearing No.WB 23B 8166. The rejection is based on two grounds. The first ground is that neither any application was made for renewal of certificate of fitness of the subject vehicle nor the fees during the period February 19, 2025 to April 3, 2025 in respect thereof was put in by the petitioner. The second ground is that the petitioner's vehicle has been plying for more than fifteen years and as such in terms of the notification/Order No.2827 – WT/3M-86/2009 dated August 13, 2012 issued by the Transport Department of the Government of West Bengal, the petitioner cannot be allowed to ply her aforesaid vehicle within the Kolkata Metropolitan Area.

Mr. Felix, learned advocate appearing for the petitioner submits that the first ground taken by the respondent Transport Authority to annul the petitioner's request for grant of a certificate of fitness is clearly not

tenable. He submits that it was the duty of the Additional Regional Transport Officer to issue a notice to the petitioner for inspecting the petitioner's vehicle for the purpose of renewal of the petitioner's certificate of fitness but since such notice was never issued to the petitioner therefore, the petitioner could not present her vehicle before the relevant authority for inspection. It is submitted that since inspection was never conducted therefore, the petitioner could not apply for renewal and could not deposit the fees.

It is further submitted that in view of the aforesaid fact situation, the petitioner made a representation on March 23, 2025 requesting the respondent authorities to renew the certificate of fitness of the petitioner's vehicle so that the petitioner could ply her vehicle and earn her livelihood.

Such request of the petitioner was not considered and therefore, the petitioner approached this Court by filing WPA 7199 of 2025, which was disposed of by an order dated May 1, 2025 thereby directing the relevant Regional Transport Authority to consider and dispose of the petitioner's representation dated March 25, 2025 after giving an opportunity of hearing to the petitioner.

It is submitted that the impugned order dated June 4, 2025 has been passed pursuant to the aforesaid order dated May 1, 2025 passed by this Court.

Insofar as the second ground is concerned, Mr.

Felix next submits that the said ground i.e. since the petitioner's vehicle has been plying for a period beyond fifteen years therefore, the certificate of fitness in respect of the petitioner's vehicle cannot be renewed is again without basis. It is submitted that as the aforesaid notification dated August 13, 2012 applies to the vehicles that are plying within the Kolkata Metropolitan Area and the petitioner's vehicle plies outside the Kolkata Metropolitan Area therefore, the said notification would have no manner of application to the petitioner's vehicle.

Mr. Nayak, learned advocate appearing for the respondent Transport Authority submits that the order passed by the Secretary, Regional Transport Authority, Paschim Burdwan is well reasoned and the same need not be interfered with. He hands up a copy of the notification dated August 13, 2012, which has been referred to by the Respondent Regional Transport Authority in the impugned order. The same is taken on record.

Heard the learned advocates appearing for the respective parties and considered the material on record.

Having gone through the representation dated March 25, 2025 made by the petitioner, it appears that the submissions that have been now made before this Court were not there in the representation dated March 23, 2025. However, since the petitioner has submitted before this Court that he was prevented from making the requisite application for the purpose of renewal of the

certificate of fitness in respect of the petitioner's vehicle as no notice of inspection was issued to the petitioner and that the petitioner's vehicle is not being plied within the Kolkata Metropolitan Area, therefore, the petitioner should be given one more opportunity to approach the Regional Transport Authority, Paschim Burdwan by way of an appropriate representation with all supporting documents. If such a representation with all supporting documents is made by the petitioner, the Regional Transport Authority, Paschim Burdwan shall consider the said representation of the petitioner and pass a reasoned order strictly in accordance with law within a period of four weeks from the date of receipt of such representation, upon giving an opportunity of hearing to the petitioner and all concerned. While passing such order, the Regional Transport Authority, Paschim Burdwan shall consider the petitioner's case dispassionately and try not to be influenced by its order dated June 4, 2025. However, this would not prevent the Regional Transport Authority, Paschim Burdwan to reach the same conclusion that it has reached in its order dated June 4, 2025 if the facts and circumstances of the case taken in totality reasonably lead to such conclusion.

Needless to mention that the respondent no.2 i.e. Regional Transport Authority, Paschim Burdwan shall pass a reasoned order within the aforesaid period and shall communicate the same to the petitioner within a

week from passing thereof.

Since no affidavit-in-opposition has been directed to be filed, the allegations made in the writ petition shall be deemed not to have been admitted by the respondents.

It is clarified that this Court has not gone into the merits of the case and all points are left open to be decided by the Regional Transport Authority, Paschim Burdwan, strictly in accordance with law.

WPA 13654 of 2025 stands disposed of with the above observations.

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

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)