

Sl. No.22
30.07.2025
Suman
Ct. 15

WPA 16244 of 2025

Pranab Barik
Vs.
The State of West Bengal and Ors.

Mr. Koushik De
Mr. Chitrak Biswas
..for the petitioner

Mr. Pantu Deb Roy, AGP
Mr. Nirmalya Biswas
..for the State

The petitioner claims to be the registered owner of a mini bus bearing registration no. WB05 1879.

The petitioner submits that the said vehicle held a valid permit to ply on bus route no. 107 (Anandapur to Howrah via BBD Bag). It is further submitted that, for certain reasons, the petitioner handed over the vehicle along with all documents, including the registration certificate and route permit, to respondent no. 9 in August, 2024.

However, from November, 2024, respondent no. 9 allegedly started defaulting in payment of the daily collection and began using the said vehicle for her own financial gain. The petitioner further submits that the permit of the vehicle expired on 14th January, 2025. Despite repeated requests,

respondent no. 9 has failed to return the vehicle and continues to ply it even after expiry of the permit period and without paying the requisite taxes to the competent authority.

By filing this writ petition, the petitioner seeks a direction upon the motor vehicles authority to take steps in terms of Section 207 of the Motor Vehicles Act, 1988.

Mr. Pantu Deb Roy, learned advocate for the State, submits that by permitting respondent no. 9 to ply the vehicle, the petitioner has contravened Rule 159(9) of the West Bengal Motor Vehicles Rules, 1989. It is submitted that, being the owner, the petitioner is liable for the consequences of non-payment of taxes as well as for plying the vehicle beyond the permit period.

The petitioner, however, submits that he is willing to accept all consequences arising out of any proceedings initiated under Section 207 of the Motor Vehicles Act, 1988 against him.

Respondent no. 9 is not represented. The postal articles sent to respondent no. 9 have been returned with the endorsement "left" on three occasions.

In view of the above, the petitioner is directed to make a representation before respondent no. 4, the Director, Public Vehicle Department, Government of

West Bengal, Kolkata, ventilating his grievance within one week from date.

If such representation is made, the Director, Public Vehicle Department, Government of West Bengal, shall take steps strictly in accordance with law within one month thereafter giving an opportunity of hearing to all concerned. It is further clarified that respondent no. 4 shall initiate appropriate proceedings against the concerned persons in accordance with law if any violation of the Motor Vehicles Act, 1988 or the Rules framed thereunder is found.

Accordingly, **WPA 16244 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)