

S/L 36
13.11.2025
Court No.10
Swd

WPA 24436 of 2025

Raja Sarkar
Vs.
The State of West Bengal & Ors.

Mr. N. L. Khan,
Mr. M. M. Roy

... for the Petitioner.

Mr. Amal Sen,
Ms. Deboleena Ghosh.

... for the State.

1. Affidavit of service be kept with the record.
2. The parties are represented through the learned Counsels.
3. Apropos, the fact of the case is that one Sukumar Chatterjee being owner of a vehicle being WB 15-6189 executed a Deed of Sale in favour of the petitioner against a consideration amount as agreed upon. Subsequently, the owner further executed a lease agreement in respect of the said vehicle including the petitioner to ply the vehicle in the route from Bagkhal to Ballykhal that during the pendency of the transfer of ownership.
4. In pursuance of the mandate of the Ministry of Enforcement as adopted by the Transport Department, Government of West Bengal, the petitioner made an application for

replacement of the existing vehicle. In pursuance of such order of replacement the petitioner purchased a new vehicle of the required emission norms which was duly registered by the registering authority, Hooghly and issued registration certificate in respect of the new vehicle being registration No.WB-15B 6061.

5. The petitioner submits that since transfer of ownership was pending he had approached the erstwhile owner of the said vehicle to turn up before the registering authority Srirampore for execution of Form Nos.29 and 30 for transfer of ownership of the said vehicle, but due to unavoidable circumstances and also the vehicle owner was suffering from chronic ailments, the same could not be executed.
6. It is further submitted that the petitioner again approached the erstwhile owner for execution of the said forms but he came to learn that the erstwhile owner had expired leaving behind no legal heirs.
7. The petitioner submits that paper publication were made to initiate his intention for the vehicle to be transferred in his name and also to ascertain whether any of his legal heirs if any, has any objection to such transfer of ownership.

8. The petitioner submits that he has approached the authority concerned with all relevant documents for transfer of ownership of the vehicle in question and to transfer the permit in accordance with the provision laid down in the Motor Vehicle Act, 1988 (hereinafter referred to as the 'said Act'.) but such efforts went in vain.
9. Being aggrieved by such action of the respondent authority the petitioner was compelled to move a writ petition being No.WPA 5599 of 2025. By an order dated 24th March, 2025 the coordinate bench of this Court directed the Regional Transport Authority to consider and dispose of the petitioner's application for change of name of the permit holder of the Auto Rickshaw permit in terms of his representation dated 28th January, 2025.
10. In compliance of such order dated 24th March, 2025 the Original Transport Authority Board held a meeting on 01.07.2025 rejecting, inter alia, the prayer of the petitioner for transferring of the vehicle and permit in favour of the petitioner.
11. Assailing the said resolution dated 01.07.2025 passed by the Regional Transport

Authority, Hooghly the writ petitioner has filed the instant writ petition.

12. The petitioner prays, inter alia, to set aside the resolution dated 01.07.2025 and pass necessary direction to transfer the ownership of the vehicle being registration No.WB 15B 6061 along with the transfer of the permit in favour of the petitioner.

13. The respondent states that as per Rule 159 (1)(8) of the Motor Vehicles Act, 1988 which is reproduced below:

“Unless Parts A and B of the permit have been endorsed as provided in sub-rule (6) or (7) or unless the Transport Authority which countersigned the permit has endorsed the same, the counter-signature shall be of no effect after the date of transfer;

Provided that in the case of the death of the holder of the permit, the Transport Authority which granted the permit may transfer the permit as provided under sub-section (2) of section 82 of the Act after making such enquiry as it thinks fit subject to the provisions as laid down therein on receipt of the pre-scribed fee.”

14. After hearing the rival contention of the parties and perusing the material available on record I am of the considered view that the petitioner is directed to file an affidavit

affirmed before the First Class Magistrate to state on oath that whether the erstwhile owner has any legal heirs or not. The Regional Transport Authority shall revisit the representation dated 28.01.2025 by making an independent enquiry upon considering the paper publication and other relevant documents as required for arriving at a logical conclusion. The Regional Transport Authority Board shall pass a reasoned order in accordance with law upon affording opportunity of hearing to the concerned parties within a period of 60days and communicate the decision preferably within a week thereafter.

15. The petitioner is directed to make a fresh paper publication in any Bengali newspaper to widely circulate in order to ascertain the existence of legal heirs.
16. It is made clear that the Officer-in-Charge, Uttarpara is directed to make an enquiry whether Sri Sukumar Chatterjee, S/o – Late G.B. Chatterjee, 27, G.S. Lane, P.O. + P.S – Uttarpara, Dist – Hooghly has left behind any legal heirs or not and shall file a report accordingly before the Regional Transport Authority being respondent No. 2, Hooghly.

17. The said order shall be communicated to the local P.S Uttarpara both by the petitioner and the State Respondent.
18. With the above observation and direction, this writ petition, WPA 24436 of 2025 stands disposed of with the merit of the case.
19. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)