

14.11.2025

Item No.82

Crt.No.10

b.r.

WPA 25423 of 2025

Ganesh Kumar Singh

-vs-

The State of West Bengal & Ors.

Mr. Shyamal Kumar Das

Ms. Krishna Yadav

..... for the petitioner.

Mr. Rabindra Nath Basak, Sr. Adv.

Mr. Kaushik Chowdhury

..... for the respondent no.1.

Mr. Pantu Deb Roy, Ld. AGP

Mr. Pannalal Bandopadhyay

... for the Resp. nos. 2,3,4 and 6.

Affidavit of service filed on behalf of the petitioner,
is taken on record.

Parties are represented through their learned
counsels.

The petitioner is the authorized personel, the owner
of a vehicle bearing no. WB23D7885 of Goods Carrier
(HGV) class having model no. LPT 1109 H/42 EX2
whose owner is one Brij Kishor Giri.

The petitioner usually called for works on
contractual basis as and when he receives
transportation.

Petitioner submits that in connection with the
said vehicle he received the order of transportation of
fluid commodities from Varun Beverages Limited

situated at Vill-Bipranna Para below Saraswati Bridge, P.S. Domjur, Howrah-711411 West Bengal to D.S. Enterprise (place of Supply) situated at Vill & PO-Dharmpukuria, P.S. Bongaon, North 24-PARGANAS-743235 PM 15.10.2025 being Order no. 708531261. The said order was loaded on 16.10.2025 bearing invoice no. WB0022305008 in vehicle WB23D7885/Truck 9T of total weight of 8,149.80 kg. After loading of goods on 16.0.2025 the petitioner started to ply the said vehicle on October 17, 2025 with all his valid documents.

The petitioner submits that while on his way to his destination the petitioner vehicle was stopped by a Motor Vehicle Inspector at Gopalnagar, North 24-Parganas and was informed that the petitioner had violated the Motor Vehicle Rules by carrying goods over and above the permissible limit.

Petitioner further submits that the vehicle has been seized by the authority concerned since 17.10.2025 and the petitioner is suffering huge financial loss.

The State-respondents file a report dated 30.10.2025 enclosing a letter written by the Additional Regional Transport Officer, Bongaon, North 24-Parganas to the Officer-in-charge, Gopalnagar Police Station,

North 24-Parganas with regard to the offences committed by the petitioner, which is reproduced below:-

“1. Carry excess load (113 of MV act 1988) (gross vehicle weight : 12990 Kgs. Actual weight 13890 Kgs.

2. Dangerous driving (184 of MV Act 1988).

3. Carrying proper no plate (39 of MV Act 1988)

4. Driving License (3 and 4 of MV act 1988)

5. Non production of Updated fitness certificate (130 of MV act 1988)

Not only that the vehicle is fitted with audio that have no permission but also 13 Traffic Challan has been pending in different police districts. After that the driver came to ARTO Office when we ordered him to produce DL and fitness he is unable to do that not only that he neither told his name nor his address.”

After hearing the rival contentions of the parties, this Court is of the considered view that the petitioner shall make a comprehensive detailed report on the basis of the report dated October 30, 2025, which has been handed over to the petitioner in Court today before the respondent no.2 within a week from date and the respondent no.2 with the assistance of the Additional Regional Transport Officer, Bongaon, North 24-Parganas shall consider such representation and pass a reasoned order in accordance with law within a period of two weeks from the date of filing of the representation upon affording an opportunity of hearing to all the interested

parties and communicate the decision within four days thereafter.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations, this writ petition, **WPA 25423 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)