

21
3.2.2026
Court No. 10
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 24645 of 2025

**Ankit Agarwal
-versus
Union of India & Ors.**

**Mr. Sukanta Chakraborty.
Mr. Anindya Halder.
Mr. Shaondeep Chakraborty.
...For the petitioner.**

**Mr. Pantu Deb Roy. Ld. A.G.P.
Mr. Subrata Guha Biswas.
... For the State.**

**Mr. Sankar Sarkar.
Mr. Iswar Ch. Maity.
... For the respondent no. 1.**

1. The petitioner in the instant case is a businessman engaged in the trade of Rice Husk being a registered owner of two trucks bearing registration nos. WB25K8595 and WB25K8566 respectively having been utilised by the petitioner for his own business for transporting the commodities in question.
2. The petitioner in the case prays inter alia, in the following reliefs:
 - (a) Grant leave to the petitioner to move this application without notice in terms of Rule 26

of the Rules of the High Court at Calcutta relating to application under Article 226 of the Constitution of India.

- (b) A writ in the nature of mandamus commanding respondent authorities concerned and/or their subordinates and/or agents and/or assigns to act and proceed strictly in accordance with law and refund the illegal fine which was recovered from the petitioner by the respondent authorities concerned in respect of the two trucks bearing registration numbers WB25K8595 and WB25K8566 belong to the petitioner herein;
- (c) A writ in the nature of mandamus commanding respondent authorities concerned and/or their subordinates and/or agents and/or assigns to act and proceed strictly in accordance with law and to constitute a high powered Committee consisting of the representatives of the State of West Bengal and also the Government of India together with experts from the concerned field to formulate appropriate guidelines/policy to eradicate the corrupt practice of imposition of illegal fine, seizure of vehicle in illegal manner and accepting bribe by the officials of police and RTO authorities;

- (d) A writ in the nature of mandamus commanding respondent authorities concerned and/or their subordinates and/or agents and/or assigns to act and proceed strictly in accordance with law and to take immediate steps to install CCTV cameras in all the check posts throughout the state;
- (e) A writ in the nature of mandamus commanding respondent authorities concerned and/or their subordinates and/or agents and/or assigns to act and proceed strictly in accordance with law and to take immediate steps to introduce helpline number to lodge instant complaints and grievances with regard to illegal imposition of fines, stopping vehicle for no good reason and other illegal activities and also to seek help in case of any untoward incident faced by the drivers;
- (f) A writ in the nature of mandamus commanding respondent authorities concerned and/or their subordinates and/or agents and/or assigns to act and proceed strictly in accordance with law and to take immediate steps to provide body cameras to the official posted at the check posts throughout West Bengal;
- (g) A writ in the nature of mandamus commanding respondent authorities

concerned and/or their subordinates and/or agents and/or assigns to consider the representation dated 24-9-2024 of the petitioner herein addressed to the respondent authorities herein thereby disposing of the same by passing a reasoned order after giving a chance of hearing to the petitioner herein and/or his agent;

- (h) A writ in the nature of mandamus commanding respondent authorities concerned and/or their subordinates and/or agents and/or assigns to forthwith submit a report before this Hon'ble Court regarding the steps taken by them after receiving the letter dated 24-9-2024 of the petitioner herein;
- (i) A writ in the nature of Certiorari respondents and his servant, agents and assigns to produce the records of the instant case before this Hon'ble Court so that conscionable justice may be administered;
- (j) Rule NISI in terms of prayers (a), (b), (c), (d), (e), (f), (g) & (h);
- (k) An interim order in terms of prayers (b), (c), (d), (e), (f), (g) & (h);
- (l) Ad-interim order in terms of prayers made hereinabove;
- (m) Costs of and incidental to this application be

paid by the respondents;

(n) Such further and/or other order or orders be passed and/or direction or directions be given as to this Hon'ble Court may deem fit and proper.

3. Apropos the fact of the case is that on 30th April, 2022 the trucks of the petitioner have been passing through Jhargram post and the same have been intercepted by the Motor Vehicles Inspector (non-technical) and imposed fine of Rs. 23,340+ Rs. 27,800 = Rs, 51,180/- for an offence committed for not carrying the relevant documents for plying the vehicles.
4. Learned counsel for the petitioner submits that at the time of interception, the drivers of the respective vehicles produced all the relevant documents at the time of interception in electronic form before the Motor Vehicles Inspector (Non technical) but the same have been refused to be accepted and accordingly penalized the petitioner by way of imposing fine.
5. The petitioner draws the attention of the Standard Operating Procedure (hereinafter referred to as SOP for the sake of brevity and convenience) dated 17th December, 2018 issued by the Government of India, Ministry of Road,

Transport, Highways with regard to the validation of the driving licence, registration certificate and other transport related documents/information to be presented in electronic form through IT or mobile platform.

6. Mr. Pantu Deb Roy, Ld. A.G.P. for the State respondents vehemently opposes the same and submits that no such relevant documents were produced at the time of interception before the officer concerned.
7. The learned counsel for the petitioner also submits that already a complaint has been lodged on 24th September, 2024 with regard to the illegal extortion of money and forceful fine by the Transport Department, Government of West Bengal which remains pending for consideration.
8. Having heard the parties and upon considering the available records, I direct the petitioner to make a comprehensive detailed representation before the District Magistrate, Jhargram within a period of two weeks from the date of communication of this order. The same shall be considered by the District Magistrate, Jhargram in presence of Motor Vehicles Inspector and the R.T.O. Jhargram within a period of sixty days by passing a reasoned

order in accordance with law upon affording an opportunity of hearing to the petitioner and the other interested persons if any, and communicate such decision within a week thereafter.

9. The writ petition stands disposed of accordingly without taking any exception to the merits of the case.

10. However, it is made clear that at the time of hearing the District Magistrate shall consider the Standard Operating Procedure dated 17th December, 2018 introduced by the Government of India, Ministry of Road, Transport and Highways to arrive at a logical conclusion with regard to imposition of fine on the ground of non-production of relevant documents at the time of interception. The District Magistrate shall examine and scrutinize the available records, upon being satisfied shall be at liberty to take cognizance of the same by passing necessary order in accordance with law.

11. It is needless to mention that henceforth the Transport Department, West Bengal shall abide by the Standard Operating Procedure dated 17th December, 2018 by accepting the presentation of the relevant documents in

electronic form for avoiding public inconvenience at large.

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

(Smita Das De, J.)