

20.01.2026
Item No.16
Court No. 10
AGM

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction
Appellate Side

W.P.A. 29751 of 2025

Wahida Khatun & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee.
Sk. Samik Akhtar.

... For the petitioners.

Mr. Pantu Deb Roy. Ld. A.G.P.
Mr. Dipankar Ghosh.

... For the State.

1. The petitioners in the instant case prays inter alia, for the following reliefs:
 - a. “A writ of and/or in the nature of Mandamus should not be issued commanding the respondents their men agents servants and subordinates to issue letter of replacement of existing vehicle WB11B-3512 in P.CO.P 00116A/R by taking a decision in respect of renewal of permit and transfer of permit as prayed for dated 17.11.2025, forthwith;
 - b. A writ of and/or in the nature of Mandamus should not be issued commanding the respondents their men agents servants and subordinates to issue letter of replacement of existing vehicle WB11B-3512 in P.CO.P 00116A/R by taking a decision in respect of renewal of permit and transfer of permit as prayed for dated 17.11.2025, forthwith;
 - c. A writ of and/or in the nature of Certiorari be issued commanding the respondents their men agents servants and subordinates to transmit the entire records relating to this case so that the conscionable justice may be administered.
 - d. Rule NISI in terms of prayers (a), (b) and (c) above and if no cause or insufficient cause has been shown make the Rule absolute;
 - e. An order of injunction do issue restraining the respondents their men agents servants associates, allowing your petitioner no. 1 be a permit holder in place of her husband.

- f. Cost pertaining to this application;
 - g. Ad interim order in terms of pray (e) and (f) above till the disposal of the rule or instant writ application.
 - h. Pass such order and further order or orders as to this Hon'ble Court may deem fit and proper;"
2. Main grievance of the petitioners is non-consideration of the representation made before the concerned authority dated 17.11.2025 for replacement of the vehicle bearing no. WB11B-3512 and renewal of the permit which stands in the name of the husband of the petitioner no. 1 and the father of the petitioner nos. 2 and 3.
 3. Initially, the permit stood in the joint name of Md. Aslam and Md. Sharfaraz. Thereafter Md. Aslam expired leaving behind petitioner nos. 1, 2 and 3. Subsequently, respondent no. 5 retired from the next proceedings of the renewal of the permit.
 4. The petitioners submit that due to old age of the vehicle WB11B-3512 was causing public inconvenience and made an attempt to replace the said vehicle by selling out the vehicle as a scrap by replacing with a higher model New LPG auto rickshaw.
 5. The petitioners made representation for grant of permit for replacement and renewal of the permit but the same is pending consideration.
 6. The State respondents submit that the said representation of the same can be considered subject to furnishing of the relevant documents as required at the time of hearing.
 7. After hearing the parties at length, I am of the considered view that the respondent no. 2 is directed to consider the representation dated 17.11.2024 being annexure p-3 page 21 of the writ petition by passing a reasoned order in accordance with law after

affording an opportunity of hearing to the petitioners including legal heirs and other interested persons and shall communicate such decision accordingly. The entire exercise shall be completed peremptorily within a period of eight weeks from the date of communication of the order.

8. The writ petition is disposed of without taking exception to the merits of the case.
9. 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]