

S/L 8  
24.04.2026  
Court. No. 25  
*Swayan*

WPA 7568 of 2026

GTZ (India) Pvt. Ltd. & Anr.  
Vs.  
The State of West Bengal & Ors.

*Mr. Jayjit Ganguly*  
*Mr. Pradip Sancheli*  
*Mr. Biswajit Chowdhury*

*...for the petitioners.*

*Mr. Pantu Deb Roy, Ld. A.G.P.*  
*Mr. pannalal Bandopadhyay*

*...for the State.*

*Ms. Anamika Pandey*  
*Ms. Rishika Pandey*

*...for E.C.I.*

1. The petitioner has filed the present writ application challenging the vehicle requisition slip issued by the Officer-in-Charge, Diamond Harbour Road Traffic Guard to the report to the Traffic Guard whenever they are called by over phone.
2. Learned counsel for the petitioner submits that vehicle bearing registration no. WB19L5221 is used exclusively to transport the petitioners' employees between Kolkata and manufacturing facility at Khariberia (Bishnupur). He submits that the said vehicle is not used as commercial passenger vehicle to ferry public in general and is not deployed for hire.
3. The petitioners have relied upon the judgment in the case of ***Anirban Ghosh vs. District Election Officer & Anr.*** reported in ***2006 SCC OnLine Calcutta 211*** and submits that in the said case, the coordinate Bench of this Court has held that the vehicle meant for the personal used of the owner cannot legally

be used for hire or reward. He submits that Section 66 of the Motor Vehicles Act binds the owner to use the personal vehicle for any public service. He further submits that if the said vehicle is used for any public service that will be violation of Section 192 of the Motor Vehicles Act. He prays for setting aside the requisition issued by the Officer-in-Charge, Diamond Harbour Road Traffic Guard.

4. Learned counsel appearing for the State has submitted the report and submits that as per the instruction from the office of the Election Commission, the respondent no. 5 has given the vehicle requisition slip to the petitioner to produce the vehicle as and when required for the purpose of election duty. He further submits that after issuance of the vehicle requisition slip to the petitioner, the District Election Officer had issued an order on March 28, 2026 for requisitioning the vehicle of the petitioner for the purpose of election duty in terms of Section 160 of the Representation of the Peoples Act, 1951 and as per the said order the petitioner as to report the said vehicle at the Gangasagar Ground at 09:00 a.m. on April 25, 2026.
5. Learned counsel appearing for the ECI submits that Section 160 of the Representation of the Peoples Act, 1951 gives power to the Commission for requisition of any vehicle for the purpose of election duty. She submits that for conducting the State Assembly Election in the State of West Bengal, there is dearth of vehicle with the Government of West Bengal accordingly the Election

Commission of India has directed the authority for requisition of the transport vehicles for the purpose of transportation of Para-Military Force and other employees who have been assigned with the election duty from one booth to another booth or one place to another place.

6. She has relied upon the circular issued by the ECI dated February 8, 2023 wherein Clause 4 it is categorically mentioned that vehicle of World Health Organization, UNICEF and all other organizations of UN, All India Radio, Doordarshan, Forest Department (wild life sanctuaries, national sanctuaries and national games park) will not be requisitioned for election duty. No vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate should be requisitioned. She submits that in the present case, the petitioner is having the private vehicle of 13 seats and the said vehicle is necessary for the purpose of election duty so that the Para Military Force as well as the Officers who have been assigned with the election work is to be sent to their respective place of posting. She submits that the judgment relied by the petitioner in the case of **Anirban Ghosh (supra)** has been distinguished by the Hon'ble Division Bench of the Allahabad High Court in the case of **Arvind Kumar vs. State of U.P. & Anr.** in **Writ-C No. 5295 of 2017** dated February 8, 2017 wherein the Hon'ble Division Bench of Allahabad High Court held that under the scheme of 1951 Act when a vehicle is

requisitioned the owner of the vehicle has no other option but to hand over the possession to the statutory authority. Even under the provisions of the Motor Vehicles Act, there appears to be no such prohibition to the requisition of private vehicle.

7. Considering the above, this Court finds that though when the respondent no. 5 has given the requisition, at that point of time the Election Commission of India has not passed any order for requisition of the vehicle of the petitioner for election duty but subsequently on March 28, 2026 the Election Commission of India has passed an order for requisition of the vehicle of the petitioner under Section 160 of the Representation of the Peoples Act, 1951 for the purpose of election duty and thus this Court did not find any merit in the writ application.
8. WPA 7568 of 2026 is dismissed.
9. However, there shall be no order as to costs.
10. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Krishna Rao, J.)**