

10.7.2025
Sl. No.**9**
Court no.IV
nb

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

WPA 2384 of 2024

**Mala Sharma @ Sarma
Vs.
The State of West Bengal & Ors.**

Mr. Jagriti Mishra,
Ms. Ananga Bhattacharya,
Ms. Mrinmayee Das,
.... for the petitioner.

Mr. Momenur Rahaman,
Mr. B. Bose,
.... for the State.

Mr. Milindo Paul,
Mr. Nabankur Paul,
Ms. Sutapa Sen Paul,
Mr. B. Bose,
Mr. Subham Das,
Mr. B. Ghosh,
..... for the respondent no.4.

The petitioner is aggrieved by non-transference of the registration of the vehicle bearing no. WB 73/E 973 in favour of the petitioner.

The aforesaid vehicle was initially owned by a person who had availed financial assistance from the respondent no.4 i.e. Choramandalam Investment & Finance Company. Such erstwhile owner defaulted on repayment of the credit facilities availed by such person and was ultimately declared to be a wilful defaulter. The vehicle of such person was then sold in auction and the petitioner purchased the same upon being declared the successful bidder.

Upon having purchased the vehicle, when the petitioner went to get the registration of such vehicle (which stood in the name of the erstwhile owner thereof) be transferred in the name of the petitioner, such request was declined by the respondent transport authorities on the ground that the erstwhile owner of the vehicle had lodged a complaint

Challenging such refusal to transfer the registration of the vehicle in the name of the petitioner, the petitioner approached this Court by filing a writ petition being WPA 2450 of 2021. The said writ petition was ultimately disposed of by directing the respondent authorities to hear the petitioner as well as the erstwhile owner thereof and take a decision as regards the blacklisting of the petitioner's vehicle.

Thereafter, a hearing was given but the blacklisting of the petitioner's vehicle was left untouched. Feeling aggrieved thereby the petitioner approached this court again by filing another writ petition which was disposed of by an order dated January 20, 2021 whereby the blacklisting of the petitioner's vehicle was removed.

Despite such order being passed, registration of the vehicle was not transferred in the name of the petitioner. Feeling aggrieved the petitioner approached this Court for the third time by filing another writ petition being WPA 1370 of 2024. The

said writ petition was disposed of by an order dated July 9, 2024 observing as follows:

“A report has been submitted by the learned advocate appearing on behalf of the Regional Transport Officer. Amongst others, the reports states as follow:-

“Now the petitioner may inform the Financer to apply in Form 36 under Rule 61(2) of CMV Rules, 1989 with requisite fees under Rule 81 of CMV Rules, 1989 for issuance of fresh Certificate of Registration in the name of Financer. On receipt of application from the Financer in Form 36, we will serve notice in Form 37 under Rule 61(3) to the registered owner.

The petitioner may apply for issuance of Offer Letter to any permissible Route/Area to the concerned RTA/STA, so that these vehicles may ply with valid permits as per MV Acts and Rules”

In view of the same, it is directed that if the aforesaid compliance are made, no impediment be created by the concerned Regional Transport Officer in respect of the registration of the vehicle in favour of the petitioner. If the petitioner intends to ply his vehicle in a different sector or route no objection certificate be also allotted in favour of the petitioner.”

Despite the aforesaid order, registration of the vehicle has still not been transferred in favour of the petitioner. Hence the writ petition.

Today, learned counsel appearing on behalf of the respondent no.4 submits that the respondent no.4 is ready with Form 36 in terms of order dated July 9, 2024.

Report filed by the State authority is taken on record.

The respondent no.4 is directed to submit the duly filled up Form 36 at the office of the respondent no.3 whereupon the respondent no.3 shall take

appropriate steps for transferring the registration of the aforesaid vehicle in favour of the petitioner in terms of the direction which has already been passed by this Court on July 9, 2024 in WPA 1371 of 2024.

The respondent authorities shall act expeditiously to ensure that the order dated July 9, 2024 is complied with in totality without fail.

WPA 2384 of 2024 stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)