
(2007) 02 CAL CK 0043
In the Calcutta High Court
Case No : Writ Petition No. 2369 (W) of 2006

Khandeker Moazzem Hossain and Another	APPELLANT
Vs	
State of West Bengal and Others	RESPONDENT

Date of Decision : 23-02-2007

Acts Referred:

West Bengal Motor Vehicles Rules, 1989 — Rule 226, 226(3)

Citation : (2007) 2 CHN 201

Hon'ble Judges : Bhaskar Bhattacharya, Acting C.J.; Kishore Kumar Prasad, J

Bench : Division Bench

Advocate : Idris Ali, Debnabrata Chatterjee and Aparna Samanta, for the Appellant; Balai Roy, Id. A.G. and N.I. Khan, for the Respondent

Judgement

1. Pursuant to the earlier order, today Mr. Roy, the learned Advocate General appearing on behalf of the State-respondent, has given a further report pointing out different cases initiating by the State Government against owners of the vehicles who had unauthorizedly used red light for their vehicle. Let the said report be kept with the record.
2. As regards the allegation of the writ petitioner made in the supplementary affidavit pursuant to our order dated 2nd February, 2007, Mr. Roy submits that his client will file further affidavit disclosing what actions have been taken against those persons or whether those allegations are at all true or not. Let such affidavit be given within fortnight.
3. One thing, however, is clear from the provisions contained in Rule 226 of the West Bengal Motor Vehicles Rules, 1989 that even if a person is entitled to use red light on the car, such red light should not be fitted at the top of the front side of the vehicle except in cases of Ambulance, Police Pilot Van and Fire Brigade Vehicles and such red light should be fitted in the motor vehicles near the front bumper of the vehicle.
4. Therefore, there is no justification of allowing any vehicle to fix the red light at

the top of the vehicle unless such vehicle happens to be a Police Pilot Van, Ambulance or a Fire Brigade Vehicle.

5. We, therefore, direct the State Government to strictly enforce the aforesaid Rule 226(3) of the West Bengal Motor Vehicles Rules, 1989 prohibiting fixation of red light at the top of the vehicle except for the aforesaid three categories.

6. Let this matter appear three weeks hence for further order.

7. Urgent xerox certified copy of this order, if applied for, be given to the parties within a week from date, upon compliance of usual formalities.