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WPA 2820 of 2021

Surojit Ghosh
Vs.
The State of West Bengal & Ors.

Mr. N. I. Khan
Mr. Amlan Kumar Mukherjee.
... for the petitioner.

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu.
... for the State.

The petitioner submits that by one earlier order of this Court dated 7th December, 2020 passed in WPA 8474 of 2020, the authority was directed to consider the application for issuance of stage carriage permit to the petitioner as well as his representation. Now the petitioner submits that though his application for issuance of permit in the concerned route has been considered and has been rejected on the ground of no vacancy in that route, his representation has not been considered. The representation is dated 12th February, 2020, which is at page 21 (annexure-'P-2') of the writ application. In the said representation in paragraph (ii) thereof, the petitioner has stated that one permanent stage carriage permit of vehicle no. WB-04D/1004

has expired long ago on 17.09.2017 and this vacancy is still there. Therefore, his application for issuance of a new permit can be considered against the vacancy as has been stated in the said paragraph of the representation.

Learned advocate appearing for the respondent authorities, Mr. Sen has submitted that the authority may be directed by this Court to make an inquiry as to the facts stated in the representation of the petitioner dated 12th February, 2020 specially regarding expiry of the permit on a certain date and that the vehicle is not plying in the route. He further submits that if after inquiry it is found that this permit can be cancelled by the authority for non-plying or for some other reason, then steps in accordance with law may be taken by the respondent authorities for issuance of new permit upon declaring the vacancies.

Learned advocate for the petitioner has also agreed to such submission made by the respondent authority, which in my view, is also very fair.

On the basis of the discussions made above, I direct the respondent authorities to make an inquiry in respect of paragraph (ii) of the representation of the petitioner dated 12th February, 2020 and if it is found that

the permit can be cancelled and if it is found at the same time that the vehicle is not plying in the route from September 20, 2017 for want of valid permit, the respondent authorities will take appropriate steps for issuance of new permit. The whole exercise as aforesaid is required to be completed within six weeks from the date of communication of this order. The final outcome of the inquiry and the authority's decision as aforesaid, is to be communicated to the petitioner within a period of six weeks from the date of communication of this order.

With this observation, the writ application is disposed of without any order as to costs.

(Abhijit Gangopadhyay, J.)