

7th December, 2021
(D/L No.46)
(SKB)

W.P.A. 1675 of 2020
(Via Video Conference)

Bijay Ghosh
Versus
The State of West Bengal and others

Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta
... for the petitioner.

Mr. Susanta Pal,
Mr. Prabir Kumar Ray
... for the State.

The petitioner complains of inaction on the part of the Regional Transport Officers, Hooghly and Bankura in terms of two letters from the State Transport Authority dated 10th January, 2020 and 13th January, 2020.

Learned counsel appearing for the petitioner places an order of a learned Single Judge of this court dated 20th September, 2019 by which upon the present petitioner filing a writ petition (W.P.15953(W) of 2019) the State Transport Authority was directed to consider the representation of the petitioner by passing a reasoned order after giving opportunity of hearing to all the interested parties within eight weeks from the date of communication of the said order. Counsel submits that the respondents were to comply with the said order within 20th January, 2020 which was not done

as would be evident from the two letters mentioned above.

Learned counsel appearing for the State respondents submits that a decision to show cause upon the private respondent was passed by the authority concerned upon hearing which was held on 29th November, 2019 and hands up a document of 2nd December, 2021 issued upon the private respondent to show cause under the relevant section of the Motor Vehicles Act, 1988.

Upon hearing learned counsel, this court is of the view that the notice to show cause is of 2nd December, 2021, almost two years from the date on which the concerned respondents were to act pursuant to the order passed by this court. The document handed over shows that the private respondent has been given fifteen days time to reply from the date of receipt of the letter.

Whatever be the consequences of the action taken by the State respondents against the private respondent, the prejudice caused to the petitioner by reason of delay on the part of the State respondents cannot be discounted under any circumstances. The State respondents have failed to carry out the direction in the order passed by the court and there is no explanation for the inaction.

W.P.A.1675 of 2020 is disposed of with a direction on the State respondents to take appropriate

action against the private respondent within four weeks from date. The State respondents who are responsible for the delay shall also pay costs which are reasonably assessed at Rs.10,000/- be paid to Ramkrishna Mission Janasiksha Mandir, Belur, within a fortnight from date.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)