

25.11.2021
sayandeep
Sl. No. 33
Ct. No. 05

WPA 2732 of 2020

[Via Video Conference]

Sekh Salim
-Versus-
The State of West Bengal & Ors.

Ms. Kakali Dutta
..... for the petitioner

Mr. Amal Kr. Sen
Mr. Jaladhi Das
..... for the State

Mr. Bhaskar Nandi
.... for the Respondent No. 5

It appears from the submissions of learned counsel appearing for the petitioner as well as the State that despite the petitioner and the petitioner's brother being called for a hearing by the Secretary, Regional Transport Authority on 21st January, 2020, no decision has been taken by the Secretary pursuant to the hearing.

The petitioner admittedly attended the hearing. A copy of an e-mail of 24th November, 2021 from the RTO, Burdwan to the learned counsel appearing for the State says that the hearing was conducted on 21st January, 2020 and that the Secretary cannot review the said decision.

This Court is of the considered view that the contents of the e-mail must be reflected in a decision which the concerned Secretary took at the hearing held on 21st January, 2020. Almost two years have passed since then and it is inconceivable that the Secretary, RTA has not been able to even produce a decision or so a decision to be communicated to the petitioner.

In view of the above, the Secretary, who is presently with the RTA, is directed to take a reasoned decision after hearing all concerned parties within a week from the date of communication of this order. If there is any further delay on the part of the Secretary, the petitioner shall be at liberty to mention the matter for imposition of costs on the Secretary. A copy of the reasoned decision shall be furnished to the petitioner within four days from the date on which such decision is taken.

WPA 2732 of 2020 is disposed of in terms of the above order.

A copy of the e-mail is kept on record.

The notice of the date of hearing shall be intimated to the learned advocate representing the petitioner and all concerned parties within 24 Hours from date.

(Moushumi Bhattacharya, J.)