

25 23.9.2021
Sc

(Via Video Conference)

W.P.A. 14563 OF 2021

Nirmal Kumar Das

Vs.

The State of West Bengal & Ors.

Mr. Bhaskar Nandi

.... For the Petitioner

Mr. Amal Kumar Sen

Mr. Suman Sengupta.

.....For the State

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by non-consideration of his representation dated February 21, 2020 and his demand of justice dated March 23, 2021 with regard to deletion of the name of the deceased co-permit holder and for renewal of the permanent stage carriage permit in the petitioner's name.

Mr. Nandi, counsel appearing on behalf of the petitioner has indicated the document that has been supplied to the Regional Transport Authority, Howrah with regard to "No Objection" provided by the legal heirs of the deceased co-permit holder.

Mr. Amal Kumar Sen, counsel appearing on behalf of the State submits that the person who has affirmed the affidavit is not traceable. He, accordingly, submits that a notice may be once again given to them for a hearing.

In my view, the above suggestion is appropriate and, accordingly, I direct the Regional Transport

Authority, Howrah to issue a notice (for hearing after four weeks) to the legal heirs of the deceased co-permit holder.

Simultaneously, the petitioner is directed to publish, in one local daily newspaper, the notice issued by the authority concerned indicating the date of hearing.

Accordingly the Regional Transport Authority, Howrah, is directed to pass a reasoned order after granting an opportunity of hearing to the petitioner and the legal heirs of the deceased co-permit holder and after taking into account the documents within a period of four weeks from date.

It is needless to say that if it is found that everything is in order, the Regional Transport Authority, Howrah is directed to delete the name of the deceased co-permit holder and renew the permanent stage carriage permit in the name of the petitioner in accordance with law.

With the above direction, the writ petition is disposed of. There will be no order as to costs.

Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)