

S/L 3
28.7.2021
Court No.26
SD

WPA 8992 of 2020
(Via Video Conference)

Surojit Ghosh
Vs.
State of West Bengal & Ors.

Mr. Arabinda Chatterjee
Ms. Kakali Dutta

...for the Petitioner.

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu

...for the State.

Mr. Bhaskar Nandi

...for the Respondent No.5.

By consent of the parties, this matter has been taken up for hearing.

Affidavit-in-oppositions filed by the respondent nos.1 to 4 and respondent no.5 and affidavit-in-reply filed by the petitioner in Court today be kept with the record.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by a letter dated March 13, 2020 wherein the Regional Transport Authority informed the petitioner that the petitioner should stop plying his vehicle on Route 30C, 30C/1.

It was further informed that this order was passed in compliance with an order passed by the Division Bench of Calcutta High Court on February 11, 2020.

Mr. Arabinda Chatterjee, learned Senior Advocate appearing on behalf of the petitioner, has placed reliance on a resolution dated July 11, 2017 and upon the permit number being 94 issued to him (page 32 of the writ petition). In contradiction, he has indicated that the permit number of the private respondent, Mr. Paramjeet Singh Pandher is 96 (page

39 of the writ petition) as compared to the permit no.94 issued to his client.

He submits that since the permit number was issued to him previously, he could not have been ousted before the private respondent.

Mr. Amal Kumar Sen, learned Additional Government Pleader has narrated the entire history of the particular route to this Court which indicates that additional 20 permits had been issued in the year 2016 which had been challenged before the Calcutta High Court. Such challenge was successful and the additional 20 permits were cancelled by the Calcutta High Court.

He further submits that three vacancies had arisen with regard to the earlier quota of permits while two vacancies had arisen with regard to the 20 new permits. According to him, the authority acted in accordance with law and granted permits to the vacancies in line with the date of application of permits. In fact, the petitioner had also been granted the permit with regard to the two vacancies that had arisen in the 20 new permits. However, since the High Court had categorically cancelled the 20 new permits, the two vacancies were also automatically cancelled. Accordingly, the petitioner had been directed by letter dated March 3, 2020 to stop plying his vehicle.

I have heard counsel appearing on behalf of the parties and perused the materials placed on record.

Upon perusal of the petition and affidavits filed, I am of the view that the submission of learned Additional Government Pleader has merits and one cannot find any arbitrary or perverse action of the State authorities.

The factual aspect that both the persons who had been allotted permits for the new 20 permits had been cancelled indicates that there was no arbitrariness. It is to be noted that the application for permits for the three persons who had been allotted permits was made on January 5, 2017

whereas the application of the petitioner was made subsequently on January 16, 2017. The procedure followed by the State authorities cannot be faulted.

It has also been brought to my notice that the private respondent has died this month and accordingly, Section 82 of the Motor Vehicles Act, 1988 comes into operation.

The authorities are directed to act in accordance with law and are directed specifically not to extend any undue favour in favour of the private respondent.

I make it clear that the petitioner shall be at liberty to apply for any other vacant route that may be available.

With the aforesaid directions, the instant appeal is disposed of.

There shall be no order as to costs.

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

(Shekhar B. Saraf, J.)