

Ct. 05
Item Nos.47
16.02.2022
(suvendu)

WPA 3087 of 2020

[Via Video Conference]

Krishnapada Ghosh
Vs.
State of West Bengal & Ors.

Mr. Dilip Kumar Samanta
Mr. Biswapriya Samanta
.....for the petitioner
Mr. Amal Kumar Sen
.....for the State

The petitioner has challenged a rejection for grant of Stage Carriage Permit in Route No. 28 by the Secretary, Regional Transport Authority, Kolkata Region dated 3rd February, 2020. The rejection is based on the ground of “No Vacancy”.

Learned counsel appearing for the petitioner places a Notification dated 7th May, 2003 under Section 71(3) of the Motor Vehicles Act, 1988 which reflects that in Route 28, the maximum number of Stage Carriage Permits to be granted is 27. Counsel submits that if the State has granted 28 permits for the said Route, there is no reason as to why the petitioner’s application was rejected.

Learned counsel appearing for the State places the Minutes of a proceeding of the RTA Board

dated 12th December, 2012 which reflects that the fleet strength for route no. 28 may be increased from 27 to 28.

The case made out is on a speculative basis. First, if the Court accepts the petitioner's contention that the petitioner's application should have been granted since the number of permits was increased to twenty eight from twenty seven, then the State would be encouraged to act de hors a Notification. Second, even if the State's contention that the number of permits being increased to twenty eight is not accepted, it would not automatically entitle the petitioner to grant of permit as the maximum number of permits in the concerned Route has already been filled up.

Hence, either way, the petitioner's challenge to the impugned order of rejection dated 3rd February, 2020 does not have any basis.

WPA 3087 of 2020 is accordingly dismissed in view of the above.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)