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06.07.2022
TN

WPA No.3957 of 2020

Avijit Das Mahapatra
Vs.
The State of West Bengal and others

Mr. Sankar Nath Mukherjee,
Mr. Niraj Gupta,
Mr. Priyabrata Saha,
Mr. Aditya Biswas

.... for the petitioner

Mr. Amal Kr. Sen,
Mr. Lal Mohan Basu

.... for the State

Supplementary affidavit filed in court today be
kept on record.

Learned counsel for the petitioner takes a short
jurisdictional point. It is submitted that by the
impugned Notice dated September 20, 2018, the
Regional Transport Authority (RTA), Howrah took a
decision intimating the petitioner that there was no
vacancy in the existing Route Nos.1 and 8, for which
the petitioner's application for renewal of permit to ply
his vehicle could not be granted.

It is submitted that vide Notification published
in the Kolkata Gazette dated October 21, 2016, the

RTAs of Howrah and other districts were to transfer all such routes under their jurisdictions to the jurisdiction of RTA Kolkata, where major portion of a route lies in the new and expanded jurisdiction of RTA, Kolkata, in respect of the combined areas of the Police Commissionerates of Kolkata, Howrah, Barrackpore and Bidhannagar.

In the present case, it is seen that the RTA, Howrah took the impugned decision.

Learned counsel appearing for the respondent-authorities submits that the decision was taken by the RTA, Howrah pursuant to a specific direction of a co-ordinate Bench of this court dated June 18, 2018 in W.P. 6141(W) of 2018. It appears from the said order, annexed to the writ petition, that the learned Single Judge had apparently not been apprised of the change of jurisdiction when the direction was passed for the respondent no.4 in the said writ petition (RTA, Howrah) to dispose of the application of the petitioner for renewal.

Be that as it may, since it is seen patently from the Notification dated October 21, 2016 that in respect of the Police Commissionerates of Kolkata, Howrah etc., the RTA, Howrah and certain other districts are to transfer all routes within their jurisdictions to the RTA, Kolkata, the impugned

Notification dated September 20, 2018 stands vitiated *ab initio* for the lack of jurisdiction.

Accordingly, WPA No.3957 of 2020 is allowed, thereby setting aside the Notice dated September 20, 2018 (Annexure-P4 at page-26 of the writ petition), by which the application of the petitioner for renewal was rejected by the Regional Transport Authority, Howrah.

The petitioner will be at liberty to approach the Regional Transport Authority, Kolkata with a representation, communicating this order to the said authority for the purpose of transfer of the petitioner's application from the Howrah RTA to the Kolkata RTA for taking appropriate decision by the Kolkata RTA.

The Howrah RTA shall also cooperate in that regard in respect of transfer of the said application at the earliest, along with any relevant documents, if in the possession of the Howrah RTA, to the Kolkata RTA.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)