

7th April,
2022
(AK)
181

W.P.A 5938 of 2022

Sri Malay Ghora
Vs.
The State of West Bengal and others

Mr. Sanat Kumar Roy
Mr. Abhishek Banerjee
...for petitioner.

Mr. G. Alam
Mr. Ranjit Rajak
...for the State.

Learned counsel for the petitioner contends that by a cryptic order, the respondent authorities refused to grant a permit for running an auto rickshaw to the petitioner.

It is submitted that, in view of admitted discrepancies in a previous report which has also been annexed to the present writ petition, authored by the Regional Transport Authority, a coordinate Bench of this court vide an order dated February 4, 2022 in WPA 16600 of 2021 had directed the Regional Transport Authority of the concerned District to decide the matter afresh upon hearing relevant parties, including the petitioner therein.

Since the prayer of the petitioner is restricted to the relief as granted by the other learned Single Judge in the above-referred order, the purpose of the writ petition would be served if such a direction is granted.

Learned counsel for the State-respondent, however, controverts the allegations made in the writ petition and submits that, even as per the report annexed at page-21 of the writ petition, the relevant Notification covering the situation, being Notification No.268-WT/3M-01/2010.Pt. I dated January 29, 2010 is attracted to the present case.

It is seen from the order of refusal that the same was cryptic in nature and, as such, a fresh hearing ought to be given to the petitioner before coming to a conclusion regarding the issuance of permit to the petitioner.

Accordingly, WPA 5938 of 2022 is disposed of by directing the Regional Transport Authority, Hooghly to decide the application of the petitioner for issuance of permit to run auto rickshaw afresh and to dispose of the same within eight weeks from today by passing a reasoned order, upon giving prior opportunity of hearing to the petitioner.

The decision taken by the authorities upon such reconsideration shall be communicated to the petitioner immediately thereafter.

A report in tune with the previous report, as annexed to the writ petition, which has been filed by the respondent authorities today in court, be kept on record.

The impugned decision of the Regional Transport Authority, Hooghly dated November 26, 2021, as communicated by the written notice dated December 13,

2021 which is annexed as Annexure-P5 at page-17 of the writ petition, is accordingly set aside.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)