

6th May,
2022
(AK)
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W.P.A 7140 of 2022

Sanjoy Kumar Sinha
Vs.
The State of West Bengal and others

Mr. Arka Kanti Bera
...for the petitioner.

Mr. Srijan Nayak
Mrs. Rituparna Maitra
...for the State.

The grievance of the petitioner is that the petitioner, due to unforeseen circumstances, did not comply with a leave issued as per the petitioner's request to the petitioner on June 23, 2011 to replace his vehicle.

Thereafter, when the petitioner approached the respondent authorities by a representation dated April 7, 2022 for renewal and replacement of the vehicle, the same was not considered by the respondent authorities at all.

Learned counsel appearing for the respondent authorities submits that the petitioner's permit expired on July 18, 2014.

It is submitted that on February 15, 2022 a notice was served on the petitioner indicating that other applications for renewal were pending.

However, in view of the petitioner not taking any steps, a new permit has been issued thereafter to a third party.

Even without accepting the contention of the respondents that a notice was served on February 15, 2022 and/or received by the petitioner regarding other renewal applications being pending, the permit of the petitioner itself had expired on July 18, 2014 and the petitioner had not taken any steps for almost eight years thereafter.

Moreover, the permission given to the petitioner to replace the vehicle as long back as in the year 2011 was never complied with for about a decade by the petitioner.

Since the permit of the petitioner expired by efflux of time, there could not arise any question of further cancellation or termination of the said permit, which might have required the respondent authorities to comply with legal formalities regarding intimating the petitioner. The alleged withdrawal was, thus, superfluous in any event.

In view of the above mentioned expiry, it was open to the respondent authorities to grant a new permit to a third party, particularly in view of the palpable inaction of the petitioner for so long.

That apart, since the stage carriage permits are issued for plying vehicles for the public benefit, public

policy demands that early decisions are taken on such issues.

As such, no legal or fundamental right of the petitioner has been violated, sufficient to interfere under Article 226 of the Constitution of India.

In fact, it was the negligence of the petitioner which prompted the respondent authorities, even after waiting for almost a decade, to issue a new permit to a third party.

In such view of the matter, the writ petition fails.

WPA 7140 of 2022 is dismissed without any 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.)