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jdt.

21.12.2022
jb.

W.P.A. 8430 of 2017
(Sudarsan Roy & Anr. vs. State of West Bengal & Ors.)

Mr. Sattwik Bhattacharyya
.... For the Petitioners

Mr. Amal Kr. Sen
Ms. Ashima Das (Sil)
.... For the State

Heard learned counsels for the parties.

It is submitted by learned counsel on behalf of the respondents, on instructions, that vacancy in the inter state route for which the petitioners have prayed for permit has not been filled up till date.

The petitioners pray for issuance of permit in their favour in respect of the said route from Chittaranjan to Dumka via Jamtara, Asansole Morh, Palajore on the basis of the application submitted by them on 27th November, 2015.

By the impugned resolution passed on 16th December, 2016, the petitioners' request was turned down by the authority primarily on the ground that the petitioners were not in possession of any ready vehicle at that point of time.

It is submitted on behalf of the petitioners that the petitioners possess a ready vehicle on date.

It is further submitted that law does not provide for possession of a ready vehicle for issuance of offer letter.

In view of the fact that the vacancy in the route applied for by the petitioners has not been filled up till date and the petitioners are in possession of a ready vehicle for plying in the said route, the concerned authority be directed to reconsider the request of the petitioners within a stipulated time frame.

Accordingly, the impugned resolution passed on 16th December, 2016 is set aside.

The concerned authority, being the 2nd respondent herein, is directed to reconsider the application submitted by the petitioners for issuance of permit and in the event the petitioners are found eligible for the same, issue the same in favour of the petitioners within one month from the date of the resolution drawn up by the authority subject to the petitioners' placing the vehicle before the authority. Such resolution is directed to be taken within one month from the date of communication of this order upon giving reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)