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13.05.2022
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WPA No.7959 of 2022

Ashim Mazumder
Vs.
The State of West Bengal and others

Mr. N.I. Khan,
Mr. Amlan Kr. Mukherjee

.... for the petitioner

Mr. Ziaul Islam,
Mr. Mahadeb Sarkar

.... for the State

The grievance of the petitioner is that, the petitioner's application for grant of contract carriage permit regarding the petitioner's vehicle was refused without disclosing any cogent reasons therefor.

Learned counsel appearing for the respondent-authorities files a short report in the form of instructions which indicates that the concerned officials of the RTA shall, after necessary verification of all documents and applications, have a meeting soon for consideration of such applications for grant of permit.

Learned counsel for the petitioner, by placing reliance on Section 80 of the Motor Vehicles Act, 1988

(hereinafter referred to as “the 1988 Act”), contends that the statute mandates any application for permit of any kind to be received by the Regional Transport Authority (RTA), subject to subsequent consideration as to whether such permit will be allowed or not. It is further submitted that the respondent-authorities have refused to exercise the authority vested in them by law in not permitting the petitioner to file the application at all.

Upon hearing learned counsel for the parties, it is seen that it is the incumbent duty of the authorities to receive any application for permit of any kind at any time, as specifically stipulated in Section 80(1) of the 1988 Act.

Hence, WPA No. 7959 of 2022 is disposed of by directing the petitioner to submit his application for grant of contract carriage permit in respect of the petitioner’s auto rickshaw on or before May 18, 2022 during office hours of the respondent-authorities. If so approached, the respondent-authorities shall formally receive such application and consider the same in their subsequent meeting.

Subject to compliance of all formalities by the petitioner in due course of law, the respondent-authorities shall grant such permit in the next meeting, to be held by the RTA authorities. In view of

the assurance given in the report filed today, the respondent-authorities are directed to hold the meeting for the purpose of deciding on the applications for grant of contract carriage permit as expeditiously as possible, preferably within June 30, 2022.

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.)