

11th March, 2022
(D/L No.47)
(SKB)

W.P.A. 9902 of 2019

Debashis Das
Versus
State of West Bengal and others

Mr. Sankarnath Mukherjee,
Mr. Niraj Gupta
... for the petitioner.

Mr. Amal Kumar Sen,
Mr. Ashima Das(Sil)
... for the State.

The petitioner has challenged a resolution of the Regional Transport Authority, Howrah at the meeting held on 26th March, 2019 by which the petitioner's application for Contract Carriage Permit was rejected.

Learned counsel appearing for the petitioner submits that the actions of the respondent authorities show that there were vacancies in the notified route which were all filled up and the petitioner's application was not favourably considered.

Learned counsel appearing for the State places short sequence of events which would make it clear that the petitioner's first application was rejected on the ground that the petitioner could not prove his financial viability and the second application was rejected on the ground of "no vacancy". The composite affidavit-in-opposition filed by the State authorities contains a

statement to the effect that a particular permit, mentioned in paragraph 13 of the said affidavit, which was not renewed for a long time, subsequently expired. It is admitted that no vacancy is created by reason of such expiry.

Upon considering the submissions of learned counsel appearing for the parties, it appears that a learned Single Judge of this court in W.P.34576(W) of 2013 was of the view that there was no statutory basis for not treating an expired permit as cancelled and that the permit which has outlived its validity, becomes a dead permit. Although it is arguable whether this decision would apply to the specific facts in the matter, this court deems it fit to direct the respondent authorities to consider the application of the petitioner for grant of Contract Carriage Permit in the light of the decision relied upon by the petitioner and in the light of whether there is any existing vacancy in the said notified route. The Regional Transport Authority, Howrah shall take a considered view in the matter and decide the same within a period of six weeks from date by way of a reasoned order upon hearing all concerned parties including the petitioner and furnish the reasoned order to the petitioner within a week from the date of such order is passed. The respondent authorities shall be at liberty to consider all the relevant

conditions under Section 74, Motor Vehicles Act, 1988 for grant of permit to the petitioner.

W.P.A.9902 of 2019 is disposed of in terms of the above.

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

(Moushumi Bhattacharya, J.)