

5th July,
2022
(AK)
08

WPA 12619 of 2022

Arup Mukhopadhyay
Vs.
The State of West Bengal and others

Mr. Saktipada Jana
Mr. Subhajyoti Das

...for the petitioner.

Mr. Pantu Deb Roy
Mr. Anand Farmania

...for the State.

The short question involved in the present writ petition is whether the respondent authorities acted without jurisdiction in including Clause 1 in the offer letter dated June 22, 2022 issued to the petitioner for grant of permanent stage carriage permit on the route from Raniganj to Bankura via Mejia, Kushol, Lakshmanpur, Susunia and Chhadna (local downtrip) introducing the requirement of production of Bharat Stage-IV model or higher for the purpose of getting such permit.

Upon hearing learned counsel for the parties, it transpires that a Notification was issued on August 7, 2012 by the Transport Department, Government of West Bengal where it was stipulated in Clause D of Schedule-II that for grant of permit in respect of the whole of West

Bengal, excepting Kolkata Municipal Corporation area and the areas under Salt Lake and Lake Town Police Stations, Bharat Stage-III norms, if complied, would be sufficient.

Since the petitioner's proposed permit falls within the said area, the said clause is squarely applicable, thereby vitiating Clause 1 of the offer letter, which necessitates the production of a BS-IV or higher model.

Hence, WPA 12619 of 2022 is disposed of by striking out Clause 1 of the offer letter dated June 22, 2022 issued by the respondent authorities for grant of permanent stage carriage permit to the petitioner, being Annexure-P5 at page-28 of the writ petition.

The respondent authorities shall proceed with the grant of such permit to the petitioner by overlooking Clause 1 of the said offer letter as expeditiously as possible, subject to the petitioner complying with other required formalities.

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.)