

AD. 9.
July 4, 2022.
MNS.

WPA No. 13060 of 2022

Sribas Chandra Kar
Vs.
The State of West Bengal and others

Mr. Saktipada Jana,
Mr. Subhojyoti Das
...for the petitioner.

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas
...for the State.

Upon hearing learned counsel for the parties, the germane question, which is fallen for consideration in the present case transpires to be, whether the respondent authorities were justified in introducing Clause- 1 in the offer letter given to the petitioner for granting permanent stage carriage permit on the route 'Kenjakura to Bankura via Chhatna', to the effect that vehicles of Bharat Stage- IV model or higher should be registered in the name of the applicant for such permit and produced physically before the authority for inspection.

Learned counsel for the petitioner has placed reliance on a Notification of the Transport Department, Government of West Bengal dated August 7, 2012, whereby in respect of areas outside the jurisdiction of the Kolkata Municipal Corporation area and areas under Salt Lake and Lake Town Police Stations, vehicles complying with Bharat Stage- III norms would suffice.

As per Clause (D) of Schedule-II grant of permit of the said notification, new permits in respect of the whole of West Bengal excepting Kolkata Municipal Corporation area and the areas under Salt Lake and Lake Town Police Stations require production of vehicles compliant with Bharat Stage – III norms.

Thus, Clause- 1 in the offer letter to the petitioner dated January 19, 2022 (Annexure P-3 at page 19 of the writ petition) has to be struck down, being in contravention with the said Notification of the Government.

Hence, WPA 13060 of 2022 is disposed of by striking down the first Clause, that is, Clause – 1 of the impugned offer letter dated January 19, 2022 (Annexure P-3 at page 19 of the writ petition) and directing the respondent authorities to proceed with granting Stage Carriage Permit to the petitioner, subject to the petitioner fulfilling or other conditions in the offer letter apart from Clause- 1 and other requirements as stipulated under law and Regulations. Such grant shall be given, subject to above compliance, as expeditiously as possible.

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.)