

Ct. 05
Item No.29
31.01.2022
(suvendu)

WPA 20416 of 2021

[Via Video Conference]

Bandana Karmakar
Vs.
The State of West Bengal & Ors.

Mr. Barun Kumar Samanta

.....for the petitioners

Mr. Amal Kumar Sen
Mr. Jaladhi Das

.....for the State

The affidavit of service is taken on record.

The petitioner's grievance relates to an application made before the Regional Transport Authority, North 24-Parganas, for State Carriage Permit on 26th October, 2021 and the concerned respondents' not taking any steps pursuant to such application.

Learned counsel appearing for the petitioner places the application and the endorsement of the Regional Transport Authority that the application should be put up in the next board meeting. Counsel also places an order of the State Transport Authority dated 30th March, 2012 which directs all Regional Transport Authorities to receive all applications unless there is a prohibition under the

law and that the applications should be disposed of with reasons within a reasonable period of time.

Learned counsel appearing for the State submits on instructions that the application of the petitioner was incomplete and was not accompanied with the requisite fees.

Upon hearing learned counsel, this Court sees no reason for the Regional Transport Authority, North 24 –Parganas, to sit over the application which was made by the petitioner in October, 2021.

Section 80 of the Motor Vehicles Act, 1988 makes it clear that an application for a permit of any kind may be made at any time and further that the Regional Transport Authority or any prescribed authority shall ordinarily not refuse to grant an application for permit made at any time under the Act (Sub-sections (1) and (2) of Section 80).

The writ petition can hence be disposed of with a direction on the petitioner to make an appropriate application in proper form with the necessary requisite fees before the Regional Transport Authority, North 24-Parganas within ten days from date.

The Regional Transport Authority shall dispose of the said application by way of a reasoned order after hearing all concerned parties including the petitioner within a period of four weeks from the

date on which such application is received by the concerned Regional Transport Authority. The reasoned order shall be made available to the petitioner within a week from the date on which such order is passed.

WPA 20416 of 2021 is disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)