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APOT/39/2021
WITH
WPO/44/2021
IA No.GA/1/2021

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

MEHERAJ ALI
VS.
STATE OF WEST BENGAL AND ORS.

BEFORE:
THE HON'BLE JUSTICE SUBRATA TALUKDAR

THE HON'BLE JUSTICE KRISHNA RAO
Date: March 16, 2022.

Appearance:
Mr. Sankar Nath Mukherjee, Adv.
Sk. Samim Akhter, Adv.
Ms. Mousumi Das, Adv.
... for the appellant

Mr. Amal Kr. Sen, Adv.
Mr. Lal Mohan Basu, Adv.
... for the State

The Court: Party/parties is/are represented in the order of their name/names as printed above in the cause title.

The appellant is aggrieved by the order dated 2nd March, 2021 of the Hon'ble Single Bench. Although this Court finds that the order dated 2nd March, 2021 does not determine the rights of either of the parties qualifying to be a judgment within the meaning of Clause 15 of the Letters Patent, having regard to the subsequent facts brought to the notice of this Court, this appeal is taken up for adjudication.

The short question ventilated by the appellant relates to the consideration of the application of the appellant by the State Transport Authority (STA) *vide* its meeting dated 19th March, 2020.

The appellant, appearing through Mr. Mukherjee, learned counsel and assisted by Mr. Akhter, learned counsel, submits that although his application for grant of permit was accepted in principle, such was not granted till the appellant produced a No-Objection Certificate (NOC) from the Regional Transport Authority (RTA), Kolkata comprising one of the major portions of the route alignment of the permit in issue.

Mr. Mukherjee points out on the basis of records of another meeting of the STA dated 27th September, 2019 at serial 97 thereof, that the requirement of obtaining a NOC from the Kolkata region was not insisted upon and the appellant at serial no.97 of the resolution dated 27th September, 2019 was only called upon to submit an acceptable route alignment.

Mr. Mukherjee prays for a similar treatment.

Mr. Sen, learned Additional Government Pleader assisted by Mr. Lal Mohan Basu, Learned State advocate, submits that the matter may be reconsidered by the STA provided the route alignment of the appellant does not infringe or encroach or violate the areas prohibited by Notifications of the Transport Department of the Government.

In the light of the above discussion, this matter stands remanded to the STA holding that the STA shall not insist upon the present appellant to produce a NOC from the RTA, Kolkata Region. The appellant shall, however, be bound by the provisions of the Notification restricting plying of stage carriages on routes as applicable to the permit sought by him. It is a matter of record

that the only issue before this Court was the requirement of the NOC by the STA in terms of the resolution dated 19th March, 2020 and other conditions in the resolution dated 19th March, 2020 remain untouched by this order.

APOT/39/2021 with IA No. GA/1/2021 accordingly stand **disposed of**.

Since no affidavits are called for, all other allegations are denied.

In view of this order, nothing further remains to be decided in the writ petition, i.e. **WPO/44/2021**, which also stands **disposed of**.

All parties are to act on a server copy of this order.

(KRISHNA RAO, J.)

(SUBRATA TALUKDAR, J.)