

OD-2

ORDER SHEET

WPO No.2451 of 2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SOURAV DAS
Versus
THE STATE OF WEST BENGAL & ORS

BEFORE:
The Hon'ble JUSTICE SUVRA GHOSH
Date : 10th November, 2022.

Appearance:
Mr. Monoj Kumar Mondal, Adv.
Ms. Kakali Dutta, Adv.
..for the petitioner.

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

The Court:-Heard learned Counsel for the parties.

It is contended on behalf of the petitioner that permanent permit in favour of the petitioner by the State Transport Authority, West Bengal in respect of the route Joygaon to Gorubathan was valid upto 3rd June, 2018 and the petitioner approached the authority by a letter dated 18th May, 2018 for renewal of the said permit.

Since the concerned authority did not consider the said prayer, a reminder was issued to the authority by the petitioner on 15th November, 2018. During pendency of the said applications, the vehicle

of the petitioner having become old, the petitioner intended to replace the same by a new BS-IV vehicle and applied before the Secretary, State Transport Authority, West Bengal for issuing replacement order/direction to the Regional Transport Authority, Jalpaiguri for registration of the new vehicle.

By a letter issued on 30th January, 2019, the Deputy Secretary, State Transport Authority, West Bengal requested the petitioner to submit required documents in respect of the vehicle proposed to be placed in respect of the existing vehicle attached to the permit on condition that the vehicle should be lawfully owned by the permit holder within the meaning of Section 2(30) read with relevant provisions of Chapter IV of the Motor Vehicles Act, 1980 and BS compliance as per the existing norms.

It is submitted on behalf of the petitioner that in terms of the said letter the petitioner submitted an application enclosing the relevant documents on 19th August, 2019, despite which no further steps have been taken by the authority.

The petitioner prays for a direction upon the concerned authority to issue necessary order for replacement of the vehicle as well as renewal of the permit.

It is submitted on behalf of the State respondents that subject to the petitioner complying with the requirement stated by the concerned authority vide letter dated 30th January, 2019, the second respondent

be directed to deal with the application of the petitioner and to take necessary steps in accordance with law.

In view of the above, the writ petition is disposed of directing the second respondent to consider and dispose of the application submitted by the petitioner dated 19th August, 2019 subject to the petitioner complying with the requirements stated in the letter dated 30th January, 2019, within two weeks from the date of communication of this order after affording reasonable opportunity of hearing to the petitioner, if necessary, in accordance with law.

The petitioner is directed to submit all the original documents as required by the concerned authority at the time of hearing.

The decision taken by the authority shall be communicated to the petitioner within one week thereafter.

Since no affidavit-in-opposition has been filed, allegation, if any, contained in the writ petition are deemed not to have been admitted.

There shall, however, be no order as to costs.

Urgent certified website copy of this order be made available to the parties, if applied for, subject to compliance with necessary formalities.

(SUVRA GHOSH, J.)