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jdt.

24.01.2023
jb.

W.P.A. 1094 of 2023
(Asgar Ali vs. State of West Bengal & Ors.)

Mr. Niraj Gupta

.... For the Petitioner

Mr. Pannalal Bandyopadhyay

.... For the State

Affidavit of service filed on behalf of the petitioner is taken on record.

On prayer of the petitioner liberty is granted to expunge the name of the respondent No. 5 from the cause title of the writ petition. Cause title of the writ petition be amended accordingly.

The petitioner was granted permanent stage carriage permit by State Transport Authority, Jharkhand which was subsequently renewed for a further period of five years upon replacement of the earlier vehicle by the new vehicle by the petitioner and is due to expire on 25th February, 2027. The State Transport Authority, Jharkhand issued a letter to the Secretary, State Transport Authority, West Bengal on 23rd September, 2022 requesting the latter to countersign the renewed permit. The petitioner also made such application before the concerned authority on 27th September, 2022. The aforesaid letter and the application are still pending. The petitioner prays for a direction upon the concerned authority to consider the said application and countersign the renewed permit of the petitioner at the earliest.

It is submitted on behalf of the respondents that the application is pending due to objection raised by another permit holder against the said counter-signature.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the permit of the petitioner has been renewed by the permit issuing authority, that is, the State Transport Authority, Jharkhand, the State Transport Authority, West Bengal be directed to consider the application filed by the petitioner for counter-signature of the said permit upon granting reasonable opportunity of hearing to the petitioner as well as the objector to the permit.

Accordingly, the writ petition is disposed of directing the Secretary, State Transport Authority, West Bengal being the 4th respondent herein, to consider and dispose of the application submitted by the petitioner as well as the letter issued by the State Transport Authority, Jharkhand within two weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the objector, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)