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jdt.

04.09.2023
jb.

W.P.A. 7084 of 2023
(Arup Kumar Ghosh vs. State of West Bengal & Ors.)

Mr. S. N. Mukherjee
Sk. Samim Akhter
Mr. Niraj Gupta
Afroja Nusrat

.... For the Petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas

.... For the State

Instructions submitted on behalf of the respondents is taken on record.

The petitioner is aggrieved by the order passed by the RTO and Assistant Director, State Transport Department, West Bengal on 17th December, 2022 turning down his prayer for curtailment of route Monsukha to Howrah in between Monsukha and Baroda Choukan on two fold grounds:

The application has been decided by the RTO and Assistant Director and not by the Board and no opportunity of hearing was granted to the petitioner before his prayer was refused.

Relying on the instructions submitted by the Secretary, State Transport Authority, West Bengal, learned counsel for the respondents submits that in terms of Section 80(3) of the Motor Vehicles Act, 1988 the application for curtailment of route shall be treated as an application for grant of a new permit and the prayer of the petitioner was

dismissed since allowing the prayer would compromise the convenience of the common people.

It appears that the order impugned was passed by the RTO and Assistant Director in his individual capacity and not by the STA board. Also, the petitioner was deprived of an opportunity of hearing before his application was rejected.

In view of the above, this Court is inclined to hold that the concerned authority be directed to revisit the issue upon placing the same before the STA Board and granting an opportunity of hearing to the petitioner.

Accordingly, the order/letter dated 17th December, 2022 is set aside/quashed.

The writ petition is disposed of directing the 2nd respondent herein to revisit the issue and take a resolution in this regard in the board meeting upon granting an opportunity of hearing to the petitioner, in accordance with law.

The entire exercise is expected to be completed within six weeks from the date of communication of this order.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petitions 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.)