

WPA 7895 of 2023

Amit Kumar Kedia
Vs.
The State of West Bengal & Ors.

Adv. Aashutosh Bhattacharyya,
...for the petitioner.
Adv. Aishwarya Rajyashree,
...for the respondent no.3.
Adv. Pantu Deb Roy,
Adv. Pannalal Bhattacharyay,
...for the State.

The petitioner is a holder of inter-state permit on the inter-state route Tata-Burrabazar via Katim, issued by the State Transport Authority, Jharkhand. The said authority allowed the request for extension of the route upto Balarampur on prayer of the petitioner and by a letter issued on 7th August, 2019, requested the Secretary, State Transport Authority, West Bengal to give its consent to the said extension. Similar prayer for issuance of consent and counter-signature was made by the petitioner before the concerned authority on 13th August 2019. The Secretary, State Transport Authority, West Bengal, in an order passed on 1st March, 2021 recorded that the extension requested was not counter signed due to violation of Clause 2(h) of the Reciprocal Transport Agreement, 2004 and vide Agenda no.22 in a subsequent meeting held on 24th August, 2021, the concerned authority decided not to allow the counter-signature to the said extension.

Clause 2(h) of the Reciprocal Transport Agreement dated May 27, 1988 is set out hereinbelow:

“Any extension/curtailment of a portion of an inter-state route may be granted only by the permit issuing state as authority subject to the consent of the reciprocating state if the portion under consideration lies in that state. But that extension or curtailment should be within the limit of 24 kms.”

The extension granted to the petitioner is admittedly for 18 kilometers, i.e., within the limit of 24 kilometers. It is further admitted that no consent was taken by the concerned authority at Jharkhand from the West Bengal authority prior to allowing such proposal for extension as required under Clause 2(h) of the agreement. The petitioner has taken this Court to agenda no.11 of the meeting held by the authority on 27th November, 2020 and agenda no.14 of the same meeting wherein the concerned authority has allowed extension of the inter-state route to other operators subject to condition that the length of the extended portion does not exceed 24 kilometers. The petitioner appears to be similarly circumstanced with the said operators whose extension has been favourably considered by the authority.

The petitioner seeks to submit a fresh representation before the concerned authority in this regard and seeks a direction upon the authority to consider his representation favourably at the earliest.

It is submitted on behalf of the State respondents that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 2nd respondent within seven days from date. The 2nd respondent is directed to consider and dispose of the representation within six weeks from date of receipt thereof upon affording reasonable opportunity of hearing to the petitioner and upon taking into consideration the earlier decisions of the authority taken in the meeting held on 27th November, 2020 as referred to above, in accordance with law.

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

With the aforesaid directions, WPA 7895 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition is invited, the allegations contained in the petition are deemed not to be admitted.

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

(Suvra Ghosh, J.)