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13.12.2023
S.D.

**M.A.T. 604 of 2023
With
CAN 1 of 2023
CAN 2 of 2023**

**Ashok Kumar Shaw & Anr.
Vs.
Milan Gour & Ors.**

Mr. Sankar Nath Mukherjee
Mr. Niraj Gupta
Ms. Afraja Nusrat

..For the Appellant

Mr. Priyankar Saha
Mr. Debangshu Dinda

..For the State

CAN 1 of 2023 is an application seeking leave to prefer an appeal from the judgment and order dated March 4, 2022 passed in W.P.A. 49 of 2022.

Without prejudice to the rights and contentions of the parties, in view of the appellants claiming that their right to apply for permit in a vacancy for plying a vehicle, we allow CAN 1 of 2023 and allow the appellants to prefer the present appeal.

By the impugned judgment and order, the learned Single Judge directed that resultant vacancy within the maximum permit strength to be published by each Regional Transport Authority covered under the Gazette

Notification dated December 18, 2018. The learned Single Judge directed the Secretary to the Government of West Bengal, Transport Department to instruct each and every Regional Transport Authority covered under such Gazette Notification to publish a notice once in a month containing the number of resultant vacancies, if any, within his jurisdiction with the cut off date by which date the application for grant of resultant prayer can be made by the interested parties. It also directed that such notice with cut off date to be published and uploaded in the *website* of the concerned department on the date of the notice. Moreover, a copy of such notice was also directed to be affixed on the Notice Board of the concerned RTA.

Learned advocate appearing for the appellant submits that the appellant is aggrieved by such direction since the application of the appellant for grant of a permit to ply Auto rickshaw was denied. A writ petition was filed to such effect and was disposed of.

State is represented.

We find from the records made available that Section 80 of the Motor Vehicles Act, 1988 and provisions of Rule 108 of the West Bengal Motor Vehicles Rules, 1989 were considered by the learned Single Judge after

consideration of the same, the learned Single Judge issued the direction as noted above.

At present, maximum permissible limit is fixed in respect of motor vehicles to be plied within a jurisdiction of a Regional Transport Authority. It is the practice that an applicant can apply for and obtain permit if there is a resultant vacancy within the maximum permit fixed. Whether or not there is a vacancy should be intimated to the members of the public at large. To such effect, the learned Single Judge directed the vacancy to be declared and the declaration of the vacancy to be published in the manner as prescribed.

We find no ground to interfere with such a direction being issued by the learned Single Judge.

Accordingly, M.A.T. 604 of 2023 is disposed of without any order as to costs.

All connected applications made in M.A.T. 604 of 2023 are disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

