

104
19.06.2023
Ct. No.10
b.das

W.P.A. 11504 of 2023

Chitta Saha
vs.
The State of West Bengal & Ors.

Mr. Barun Kr. Samanta ...for the petitioner.

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
.....for the State.

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

None appears for the private respondents despite service.

Heard learned counsels for the parties.

In compliance with an order of this Court passed on 5th October, 2021, in WPA 15654 of 2021, two vacancies in route no.227 with route alignment Bangur Avenue to Gardenreach/BNR were declared by the Secretary, Regional Transport Authority, Kolkata on 7th February, 2022. The petitioner applied for grant of stage carriage permit in the said route on 10th February, 2022 along with prescribed fees.

It appears from the summary record of proceeding of the Board meeting of the Regional Transport Authority, Kolkata held on 19th January, 2023 that there were five applicants for the said route. The

concerned authority allowed the applications filed by one Shama Pervin and Amit Podder (private respondent herein) and rejected the other three applications including that of the petitioner. No reason has been assigned by the authority in rejecting the application filed by the petitioner.

In response to an application of the petitioner under Section 6 of the Right to Information Act, 2005, Secretary, Regional Transport Authority, Kolkata region stated that the offer letter was issued in favour of the private respondent in route No.227 as per provision of Section 71(3)(d) of the Motor Vehicles Act, 1988.

It is obvious that the order impugned rejecting the application filed by the petitioner for grant of permit is bereft of reasons. Such rejection has been made by the concerned authority arbitrarily without explaining the grounds, if any, for the same.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that the resolution taken by the authority insofar as the application filed by the petitioner is concerned is required to be set aside.

Accordingly, the resolution taken in the Board meeting of the Regional Transport Authority, Kolkata on 19th January, 2023 insofar as the application filed by the petitioner is concerned is set aside.

The concerned authority, being the 2nd respondent herein, is directed to reconsider the application filed by the petitioner and pass a reasoned order upon giving reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent within a period of six weeks from the date of communication of this order, in accordance with law.

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

With the above observations and directions this writ petition being WPA 11504 of 2023 is disposed of.

However, there shall be no order as to costs.

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

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

(Suvra Ghosh, J.)