

WPA 12006 of 2023

Arindam Ghosh
Vs.
The State of W.B. & Ors.

Mr. Bhaskar Nandi ...for the petitioners.

Mr. Amal Kr. Sen
Mr. Jaladhi Das ...for the State.

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

Heard learned counsels for the parties.

The order passed by Regional Transport Officer, Purba Bardhaman revoking the countersignature in the permit of the petitioner on 24th March, 2022 is assailed in the writ petition.

Learned counsel for the petitioner submits that since the countersigning authority had countersigned the permit earlier, it had no authority to revoke such countersignature subsequently.

Per contra, learned counsel for the respondents relies on Section 88 (3) of the Motor Vehicles Act, 1988 and submits that Regional Transport Authority when countersigning the permit has the authority to attach any condition to the permit which might have been imposed by the permit granting authority. The countersigning authority is also entitled to vary any condition to the permit granted by the permit issuing authority.

It is not in dispute that pursuant to an application made by the petitioner for grant of stage carriage inter-region permit offer letter was issued in favour of the petitioner by the Secretary, RTA, Birbhum on 6th April, 2022 and upon compliance of all requisite formalities by the petitioner, permit was granted in his favour on 28th November, 2022 and the countersignature made on the permit by the Secretary, RTA, Purba Bardhaman is valid upto 22nd November, 2027. The Secretary, RTA, Purba Bardhaman issued notice upon the petitioner and two others on the ground that some complaint was received against the timetable of the petitioner by the authority. Hearing was conducted by the concerned authority and by the order impugned dated 24th March, 2022, the authority directed the petitioner to submit certain documents and pending verification of the said documents, the countersignature granted in favour of the petitioner was revoked.

It is submitted on behalf the petitioner that the petitioner shall submit the documents stated in the order impugned before the concerned authority within one week from date.

Learned counsel for the respondents submits that upon receipt of the documents submitted by the petitioner, the concerned authority, being the 7th respondent herein, be directed to consider the same, in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit documents referred to in the order impugned within 7 days from date. The 7th respondent is directed to verify/consider the said documents and take necessary consequential steps with regard to the countersignature in the permit of the petitioner as well as the timetable attached to the permit within two weeks from the date of receipt thereof upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

The Secretary, RTA, Purba Bardhaman is also directed to make over a copy of the complaint referred to in the notice issued by him on 21st February, 2023 to the petitioner in the meantime.

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 12006 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 this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)