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jdt.

23.06.2023
jb.

W.P.A. 12906 of 2023
(Tushar Kanti Hazra vs. State of West Bengal & Ors.)

Mr. N. I. Khan
Mr. Amlan Kumar Mukherjee
.... For the Petitioner
Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
.... For the State

Mr. Dilip Kr. Samanta
..... For the Respondent No. 8

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

The petitioner is a stage carriage permit holder in respect of the vehicle bearing registration No. WB-41C-5237 in inter regional route from Burdwan to Rajnagar and the permit was valid till 22nd January, 2009. Since the major part of the route falls in the district of Birbhum, an objection was raised against plying of the vehicle in Birbhum by the 8th respondent pursuant to which the Chairman of the Regional Transport Authority, Purba Burdwan, in a resolution taken in a board meeting held on 30th April, 2022 directed the petitioner to apply before the RTA, Birbhum for the existing route within 30 days from the date of communication of the minutes of the meeting. The existing permit of the petitioner was in force till

acceptance of the application by the RTA, Birbhum. Learned counsel for the petitioner submits that since the petitioner was not aware of the said resolution, he was unable to apply for the same for which a show cause notice was issued upon him by the Secretary, Regional Transport Authority, Purba Burdwan calling for an explanation as to why action against his permit would not be taken for non compliance of the resolution taken by the Board. The petitioner submitted a reply to the said show cause notice through his learned counsel on 28th November, 2022. Learned counsel submits that reply to the said show cause notice was not taken into consideration by the concerned authority in cancelling the permit of the petitioner by resolution taken on 3rd December, 2022.

It is further submitted on behalf of the petitioner that though the guidelines for registration and permit of vehicles issued on 26th April, 2013 by Transport Department, Government of West Bengal demonstrates that renewal of existing permit is to be allowed subject to restriction on use of 15 years old vehicle as imposed in the order issued by the Transport Department on 16th August, 2012, the permit of the private respondent was renewed despite the fact that the age of the vehicle was more than 25 years. The petitioner submitted a representation before the concerned authority on 24th April, 2023 seeking cancellation of the permit of the 8th

respondent which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the 5th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider the representation submitted by the petitioner dated 24th April, 2023 upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law. The concerned authority shall be at liberty to consider the reply, if any submitted on behalf of the 8th respondent to the representation filed by the petitioner.

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

The writ petition is thus disposed of.

There shall be no order as to costs.

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