

259
27.02.2023
Ct. No.10
b.das

W.P.A. 14513 of 2019

Subrata Nandi
Vs.
The State of W. B. & Ors.

Mr. Arkadipta Sengupta	
Mr. Somdev Ash	...for the petitioner.
Mr. Srijan Nayak	
Ms. R. Moitra	... for the State.

Heard learned counsels for the parties.

The order passed by the respondent authorities on 14th February, 2019 rejecting the prayer of the petitioner for extension of the route for running his contract carriage is assailed in the writ petition.

By an order passed on 3rd August, 2022 this Court has observed that the ground laid down in Section 67(3) of the Motor Vehicles Act, 1988 which was introduced with effect from 1st September, 2019 was not available to the authority on the date of the impugned order, that is, on 14th February, 2019.

It is further observed that Section 80(3) of the Act of 1988 was not adhered to by the authorities in dealing with the application filed by the petitioner.

The order impugned rejecting the petitioner's application is primarily based on the issue of congestion

which was not available to the authority at all on the relevant date.

Learned counsel for the respondents candidly submits that the order impugned does not deal with the provision laid down under Section 80(3) of the Act of 1988.

In view of the above, this Court is inclined to hold that the order impugned is required to be set aside and the authority be directed to reconsider the application of the petitioner in the light of the provision laid down in Section 80 (3) of the Act of 1988.

The writ petition is accordingly disposed of directing the 2nd respondent to reconsider the application filed by the petitioner for extension of the route and dispose of the same within a period of one month from the date of communication of this order upon affording reasonable opportunity of hearing to the petitioner, in accordance with law and in the light of the provision laid down under Section 80(3) of the Act of 1988.

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

With the above observations and directions this writ petition being WPA 14513 of 2019 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.)