

January 02, 2023
ARDR
(668)

WPA 17760 of 2022

Sumanta Biswas
Vs.
The State of West Bengal & Ors.

Adv. Satadal Chatterjee,
Adv. Nemai Betal,
Adv. S. Sahoo,
...for the petitioner.
Adv. Amal Kumar Sen,
Adv. Lal Mohan Basu,
...for the State.

Heard learned counsels for the parties.

The grievance of the petitioner in the present writ petition is three fold:

Firstly, permit was issued in favour of the private respondent beyond the stipulated time frame laid down under the Rule 141 of the West Bengal Motor Vehicles Rules, 1989;

Secondly, though the offer letter was subject to scrapping of old auto rickshaw owned by him against which he prayed for regularisation, there is no document to suggest that such scrapping was done by the private respondent prior to issuance of fresh permit in his favour; and

Thirdly, since the petitioner has been operating his vehicle in the same route thrice a week, issuance of a new permit in the said route shall affect the livelihood of the petitioner.

It is submitted on behalf of the State respondents that in terms of the offer letter issued on 21st February, 2019, the petitioner was asked to place the auto rickshaw within forty-five days from the date of issuance of the offer letter, such condition being fulfilled by the petitioner. Learned counsel further submits that though admittedly permit was issued beyond the stipulated time frame of six months from the date of issuance of offer letter, the private respondent, being the aggrieved/affected person was at liberty to raise such issue before the Writ Court. The petitioner has no *locus standi* to raise the said issue in the present writ petition. Also, in absence of any notification limiting issuance of number of permits in the particular route, the permit issued in favour of the private respondent cannot be recalled/cancelled only on the ground that issuance of such permit may affect the livelihood of the petitioner. Learned counsel has fairly submitted that there is no document which suggests that the earlier vehicle of the petitioner was scrapped prior to grant of permit in terms of the offer letter.

Be that as it may, since the petitioner has submitted a comprehensive representation before the concerned authority on 16th March, 2022 the authority may be directed to consider the representation in accordance with law within a stipulated time frame.

The writ petition being WPA 17760 of 2022 is disposed of directing the Regional Transport Authority,

North 24 Parganas, being the 2nd respondent herein, to consider and dispose of the representation submitted by the petitioner dated 16th March, 2022 within a month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent in accordance with law.

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

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

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)