

September 29, 2023

ARDR (383)

WPA 19872 of 2023

Bijoy Lakshmi Bhakat & anr.
Vs.
The State of West Bengal & Ors.

Sr. Adv. Arabinda Chatterjee,
Adv. Kakali Dutta,
Adv. Aayushi Mukherjee,

...for the petitioners.

Adv. Pantu Deb Roy,
Adv. Subrata Guha Biswas,

...for the State.

Additional report in the form of affidavit submitted on behalf of the State respondents is taken on record.

The petitioners allege that the Secretary, State Transport Authority, West Bengal has issued permit in favour of the private respondent in violation of the notification dated 20th October, 2006. Such allegation has been admitted by the State respondents in their report in the form of affidavit which indicates that the permit was issued in favour of the 7th respondent including the point Asansol due to inadvertent typographical mistake.

This Court fails to understand as to how the authority can issue a permit in violation of the notification and justify the same by stating that it was only an inadvertent typographical error.

Be that as it may, since admittedly the permit of the 7th respondent has been issued in violation of the

notification dated 20th October, 2006, the permit is required to be cancelled.

The permit issued in favour of the 7th respondent vide file no. TPA-(13)/9540/2022 by the Secretary, State Transport Authority, West Bengal is cancelled.

The concerned authority, being the 2nd respondent herein, is directed to issue fresh permit in favour of the 7th respondent in terms of the notification dated 20th October, 2006 within two weeks from the date of communication of the order.

With the aforesaid observations and directions, the writ petition, being WPA 19872 of 2023 is disposed of.

There shall be, however, 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 furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)