

08 06.10.2023

Ct-08

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MAT 1924 of 2023

with

I.A No. CAN 1 of 2023

Tarit Kanti Dey & Anr.

Vs.

State of West Benal & Ors.

Mr. Allen Felix

... For the Appellants

Mr. Dilip Kumar Samanta

Mr. Biswapriya Samanta

Mr. N.I. Khan

... For the Regional Transport authority

Mr. Pantu Deb Roy

Mr. Subrata Guha Biswas

... For the State

1. We have heard the learned counsel appearing for the parties.

2. It is submitted by the learned counsel representing the appellants that the appellants are physically handicapped and they may be allowed to ply their vehicle till the disposal of the writ petition.

3. It appears that on 19th September, 2023 Justice Suvra Ghosh, upon hearing the learned counsel for the parties, upon noticing the discrepancy in the submission of the petitioners has restrained the petitioners from plying the vehicle in question till the disposal of the writ petition.

4. Learned Single Judge has also prima facie held that the petitioners have not approached the

Court with clean hands.

5. In view of the above, we dispose of the appeal by permitting the appellants to renew their prayer for plying their vehicle upon establishing their lawful right in respect of the vehicle in question. We, however, make it clear that we have not gone into the merit of the case.

6. In view of the disposal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2023 and the same is accordingly disposed of.

7. However, there shall be no order as to costs.

8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

