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12.09.2023
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W.P.A. 28278 of 2022
(Moloy Kumar Maji vs. State of West Bengal & Ors.)

Mr. Sattiwik Bhattacharyya
Mr. Aashutosh Bhattacharyya
.... For the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal
.... For the State

Ms. Aishwarya Rajyashree
Mr. Chandragupta Kamal
.... For the STA Jharkhand

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the petitioner was granted permanent stage carriage permit in inter-State route Asansol to Dumka via Jamtara by the State Transport Authority, West Bengal with effect from 1st September, 2002 which was renewed from time to time and is valid up to 31st August, 2027. Timetable was issued in favour of the petitioner pursuant to issuance of permit which was also renewed from time to time and is valid up to the validity of the permit. Since the vehicle of the petitioner has been plying in the inter-State route, the permit as well as timetable was countersigned by the State Transport Authority, Jharkhand, being the third respondent herein, in terms of reciprocal transport agreement entered into by and between the two States, the last countersignature made on 13th June, 2018 being valid till 31st August, 2022.

The grievance of the petitioner is that though the petitioner has been issued timetable in the route Asansol to Dumka via Mihijam, Jamtara, Bagdaha and Fatehpur by the State Transport Authority, West Bengal, the State Transport Authority, Jharkhand in approving the said

permit by a letter issued on 15th September, 2022, has allowed the same for the route Asansol to Dumka via Jamtara and has not included Mihijam, Bagdaha and Fatehpur therein. The petitioner filed an objection to the same requesting inclusion of the other three points in the route but received no communication from the authority thereafter.

Learned counsel for the third respondent submits that the objection submitted by the petitioner has been disposed of by the concerned authority with an observation that since the reciprocal transport agreement is in respect of the route Asansol to Dumka via Jamtara and the other three points are not included therein, the authority has decided in a meeting held on 31st January, 2019 to accord approval of timetable only for the route mentioned in the reciprocal agreement and not beyond.

Learned counsel for the petitioner submits that even after the purported decision taken by the authority, several timetables have been approved by the authority for routes/points beyond the reciprocal transport agreement. Learned counsel refers to Clause 2 f (stage carriage) of the reciprocal transport agreement finally published on 8th March, 2006 which envisages that the initial timetable shall be fixed by the permit issuing State on a purely provisional basis to be valid for two or three months and which is to be countersigned by the reciprocating State. The provisional timetable will be final after the expiry of provisional period or meeting the objections, if any. The decision taken by the authority with regard to the objection filed by the petitioner has neither been communicated to the petitioner, nor taken upon affording an opportunity of hearing to him.

In view of the above, this Court is inclined to hold that the third respondent be directed to revisit the issue upon reconsideration of the objection filed by the petitioner within two weeks from date upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

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.)