

OD-3

WPO/1444/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BENU BINOD MAITY

-VERSUS-

THE STATE OF WEST BENGAL AND
ORS.

BEFORE

The Hon'ble Justice SUVRA GHOSH

Date: 5th October, 2023

APPEARANCE:

Mr. S. N. Mukherjee, Adv.

Sk. Shamim Akhter, Adv.

Mr. Niraj Gupta, Adv.

Ms. Afroja Nusrat, Adv.

...for the petitioner.

Mr. Pantu Deb Roy, Adv.

Mr. Subrata Guha Biswas, Adv.

...for the State.

The court: The petitioner has assailed the resolution of the STA Board taken in its meeting held on 28th April, 2023 turning down his prayer for issuance of permanent stage carriage permit. The application was rejected on the ground that the single vacancy in the route in question was already allotted in favour of another person.

It appears that the said permit granted in favour of one Gautam Das had expired on 18th September, 2010 and was not renewed any further. Co-ordinate Benches of this Court have held that there is no provision in the Act or the rules framed

thereunder to call upon the permit holder to show cause as to why the permit issued in his favour, which has since expired, should not be cancelled. Once the permit outlives its validity, it becomes a dead permit (WP No.34576(w) of 2013 and WPA No.9902 of 2019). However, the permit issued in favour of Gautam Das has been cancelled by the STA Board which has decided to declare vacancy in the said route.

In view of the above, this Court is inclined to hold that since the petitioner has already applied for grant of permit in the route in question before the authority, the said application be reconsidered by the authority upon declaration of vacancy in the said route.

WPO/1444/2023 is accordingly disposed of by directing the respondent no.2 to declare the vacancy in respect of the route in question within six weeks from the date of communication of this order. Upon declaration of such vacancy, the application filed by the petitioner shall be reconsidered on priority basis by the said authority and disposed of in accordance with law within another month thereof, subject to the petitioner complying with all requisite formalities.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

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

Urgent certified website copies of this judgement, if applied for, be supplied to the parties expeditiously on compliance with the usual formalities.

(SUVRA GHOSH, J.)

A/s.