

11.03.2024
rc/ct.no.10
Item No.820

WPA No. 895 of 2024
Meeta Sharat
Versus
State of West Bengal & Ors.

Mr. Dilip Kumar Samanta ..for the Petitioner

Mr. Jayanta Samanta for the State

Affidavit of service filed by the petitioner is taken on record.

None appears for the respondent nos. 4, 5, 6 and 8 despite service.

The petitioner is a holder of a permanent stage carriage permit on the inter-state route Saharsa to Siliguri issued by the 5th respondent and duly countersigned by the 2nd respondent in terms of Section 88(1) of the Motor Vehicles Act, 1988 (hereinafter referred to as “the Act of 1988”). The petitioner complains that permit on inter-state route has been issued in favour of the 8th respondent who is not a resident/citizen of India, in violation of Section 72(2)(xxii) of the Act of 1988. The petitioner submitted a representation in this regard before the concerned authority on September 15, 2023 and upon hearing the petitioner, the authority turned down the representation by an order passed on October 03, 2023. The said order is assailed in the writ petition.

It appears from the order impugned that the allegation of the petitioner has been recorded therein and

the representation has been disposed of only by recording that *“in view of the above allegations made by Smt. Meeta Sharat against time table of P.St.P 08/2020(IS) and invalid citizenship of Shri Harpal Singh has been considered and rejected”*. The order is bereft of any reasoning whatsoever.

In view of the above, the order impugned dated October 03, 2023 is set aside.

The concerned authority being 3rd respondent herein is directed to revisit the issue upon consideration of the averment made by the petitioner in the representation dated September 15, 2023 and granting reasonable opportunity of hearing to all concerned including the petitioner and the private respondent and pass a reasoned and speaking order within one month from the date of communication of this order, in accordance with law.

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

With the above observations and directions this writ petition 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)