

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(APPELLATE SIDE)**

**Present:
The Hon'ble Justice Rai Chattopadhyay**

WPA 2882 of 2024

**Nitai Kumar Barik.
Vs.
The State of West Bengal & Ors.**

For the Petitioners : Mr. Sawttwik Bhattacharya,
: Mr. Aashutosh Bhattacharyya,
: Mr. Aritra Roy.

For the State : Mr. Pantu Deb Roy, A.G.P.
: Mr. Subrata Guha Biswas.

For the Respondent No.3 : Ms. Aishwrya Rajyashree

**Heard on :10/07/2024
Judgment on :10/07/2024**

Rai Chattopadhyay,J.

1. The writ petition is to seek redress by the petitioner of prolonged inaction on the part of the STA, Jharkhand, in granting countersignature with respect to his permit being P.St.P.No. 04 of 2015(I/S).
2. Learned advocate Sawttwik Bhattacharya appearing for the writ petitioner firstly has submitted that the initial permit was granted to the petitioner in the year 2015 with respect to the two vehicles, which plied interstate between West Bengal and Jharkhand. The same was duly countersigned in terms of the provisions of law, by the STA, Jharkhand

and the petitioner during the valid period has plied his vehicle without any hindrance.

3. The difficulty arose at the time of renewal of the said permit in the year 2020, when the writ petitioner obtained renewed permit from the STA West Bengal, having complied with all the statutory conditions for that. A letter dated March 20, 2020 was sent thereafter by the Deputy Secretary, State Transport Authority, West Bengal, to the Secretary, State Transport Authority, Jharkhand for countersignature with respect to the said permit for the two vehicles No. WB-76A-7065 and WB-76A-7080.
4. Allegedly, since thereafter, the State Transport Authority at Jharkhand is sitting tight over the matter, causing severe prejudice to the petitioner's right in so far as in absence of the permit the writ petitioner is unable to ply his said two vehicles through the route.
5. Mr. Deb Roy, learned advocate appears for the State. He asserts and concurs with the submissions made on behalf of the petitioner that the STA, West Bengal has sent intimation to STA, Jharkhand vide a letter dated March 20, 2020 for countersignature of the permit granted to the writ petitioner, for the above stated two vehicles.
6. Ms. Rajyashree, learned advocate appears through video conference on behalf of the STA, Jharkhand. She submits that there has been a change of policy as regards this, by the STA, Jharkhand in the meantime.

7. With effect from the year 2018, the STA, Jharkhand has taken a policy not to countersign, with respect to a permit which has been granted for two vehicles at a time. She says that the policy as proposed, is to grant one permit for one vehicle at a time.
8. She further asserts that even the said policy has not been finalized due to certain objections being raised by operators, in the State of Jharkhand.
9. On this perspective, she has sought that an appropriate order be passed in this case.
10. So far as that the writ petitioner having obtained the permit in the year 2015 simultaneously for two vehicles and having plied the said vehicles under cover of the said single permit, is not denied in the case. The renewal application was made by him in the year 2020 when upon compliance of the conditions in the offer letter and submission of requisite fees, the petitioner's permit was renewed with respect to the two vehicles as mentioned above.
11. According to the statutory provisions, the same would have required countersignature from the STA, Jharkhand as the vehicles would ply on a route, covering through the States of West Bengal and Jharkhand. A letter by STA, West Bengal dated March 20, 2020 was sent to the STA,

Jharkhand for necessary action being done by countersigning the said permit of the petitioner.

- 12.** In the interregnum, the STA, Jharkhand embarks upon a different policy, which is, not finalized as yet. It is only unreasonable and arbitrary to restrain an operator from plying his vehicle, due to a decision of the concerned authority, which is not yet been finalized.
- 13.** The petitioner cannot be restrained till finalization of any policy decision, by the STA, Jharkhand, from plying his vehicle. That is more so, due to the fact that upon his fulfilling all the statutory and other formalities for grant of a permit, restraining him without any just cause or without due procedure under the law, would be illegal and not maintainable in the eyes of law. It would be of exceptional hardship for an operator.
- 14.** It is worth nothing that during pendency as above, the STA Jharkhand has dealt with, in a case of similar nature, by granting countersignature of two vehicles at a time, against one permit. That is in the meeting dated July 26, 2023, with respect to Permit No. 46 of 1989.
- 15.** In that view of the matter, the alleged inaction of the concerned, in case of the writ petitioner, as discussed above is a discrimination meted out to him. The State authority cannot discriminate between the equals, without the authority of law or compliance with the due procedure, under the law. Or else, the same would be held to be an arbitrary action

on its part, which is non-maintainable and liable to be set aside. The respondent is duty bound to advance similar treatment, to the writ petitioner too.

16. Considering the above the Court finds it proper to allow the present writ petition with the following directions:-

- i)** Writ petition WPA 2882 of 2024 is allowed.
- ii)** The STA, Jharkhand shall immediately take action with respect to the letter of STA, West Bengal dated March 20, 2020 by countersigning the permit No. P.St.P.No. 04 of 2015, with respect to the two vehicles Nos. WB-76A-7065 and WB-76A-7080.
- iii)** The exercise as above shall be concluded by the concerned respondent STA, Jharkhand within a period of one week from the date of communication of this order.

17. The writ petition is disposed of.

18. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)