

**WPA 6290 of 2024**

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

**Mr. Bhaskar Nandi.  
... for the petitioner**

**Mr. Amal Kumar Sen, Id. A.G.P.,  
Ms. Ashima Das (Sil).  
... for the State**

- 1) The petitioner seeks relief that he may be granted permanent stage carriage permit, by the STA West Bengal, for the route from 'Kolkata to Mechagaon', in terms of the resolution adopted by the same in meeting dated 30.06.2016. The petitioner is desirous to place a Bharat Stage IV emission norms compliant vehicle, in terms of the Government Order dated 02.06.2023, for the said purpose. Necessary direction upon the respondent authority has been prayed for, as regards the above.
- 2) Mr. Nandi, appearing for the petitioner has taken this Court to the decision of the meeting of the said authorities, dated 30.06.2016, which is as follows :

**"Decision taken in the meeting.  
Application appeared personally.  
He submitted documents for vehicle no.  
WB450892, 2014 M.**

***Members of STA decided that the application would be considered as approved subject to the condition that the applicant submits conclusive document***

***regarding his place of residence or principal place of business in this State and during obtaining permit place the vehicle, for which documents are placed in this meeting. The vehicle should be free from any other stage carriage permit during the time of placement under the permit decided herein.”***

- 3) Mr. Nandi submits, that at present the petitioner is ready to produce an upgraded vehicle of BS IV specification and therefore there may not be any further impediment to issue a permanent permit to his client. He has mentioned about the two letters, that are, dated 05.10.2016 and 28.09.2018 respectively sent by his client to the said respondent, to request it to issue the permit forthwith but in vain.
  
- 4) Mr. Sen, Ld. Additional Government Pleader has represented the State in this case. He is of the concerned view that the petitioner's claim as above is now time barred and has been rendered as bad, due to efflux of time. He says that the Board has taken a decision back on 30.06.2016. There the Board has made some query. Grant of permit to the petitioner would have depended upon the petitioner having satisfied the same and placed his vehicle before the authority. According to the said respondent, the petitioner has not complied with either of the said requirements. Also, that now after a prolonged

period of time, the petitioner cannot claim benefit under the said resolution of the Board dated 30.06.2016. However, so far as the petitioner's application for permit to be in form and in accordance with the law and he having eligibility as per law, for grant of permit are concerned, those remain to be the undisputed facts in this case.

- 5) Considering the entire as above, let this writ petition be disposed of, directing the respondent No.2/STA West Bengal, to consider the petitioner's prayer vide his letter dated 23.06.2023 and allow the same, subject to availability of vacancy over the stipulated route for which the petitioner has sought for grant of permit and compliance by him with all the necessary statutory formalities. Let the said respondent record its reasoned decision in writing in this regard, within a period of 4 weeks from the date of communication of copy of this order. The petitioner shall be afforded an opportunity of hearing, for this purpose, before the respondent authority finally takes a decision in this regard. It shall inform the writ petitioner the same, within a period of one week from the date thereof.

- 6)** Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
- 7)** This writ petition being WPA No. 6290 of 2024 is disposed of, along with the pending applications, if any.
- 8)** Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

**(Rai Chattopadhyay, J.)**