

22.05.2024
rc/ct.no.10
Item No.1020

WPA No. 10291 of 2024
Aftab Ahmed
Versus
The State of West Bengal & Ors.

Mr. D.K.Samanta
Mr. Biswapriya Samanta ...for the petitioner

Mr. Srijan Nayak
Mrs. Rituparna Maitra ...for the State

Affidavit of service filed in Court today is taken on record.

Heard learned counsels for the parties.

The petitioner is a holder of stage carriage permit which was valid till May 16, 2015. The petitioner applied for renewal of the permit before the concerned authority on January 30, 2024 which was turned down by the authority by a resolution taken in its meeting held on February 12, 20234. No opportunity of hearing was granted to the petitioner prior to dismissal of his application, nor was the application dismissed by a reasoned order. The petitioner has assailed the resolution in the present writ petition.

It is evident from the resolution impugned that no opportunity of hearing was granted to the petitioner in arriving at the decision and also, no reasons has been assigned by the authority for rejection of the petitioner's prayer.

In view of the above, this Court is inclined to hold that the resolution impugned is required to be set aside/ quashed.

Accordingly, the writ petition is allowed.

The resolution impugned dated February 12, 2024 taken by the RTA Board is set aside/ quashed.

The Regional Transport Authority, Kolkata Region being the 2nd respondent herein, is directed to reconsider the application filed by the petitioner dated January 30, 2024 upon granting reasonable opportunity of hearing to the petitioner and pass a reasoned order within six weeks 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.

There shall, however, be 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)