

17.05.2024
FRIDAY

Court : 04
Item : 249
Matter : MAT
Status : OP
Bench ID : 266176
Transcriber : NANDY

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

MAT 832 of 2024
with
CAN 1 of 2024

Nitai Kumar Barik
Vs.
The State of West Bengal, through
Secretary, Transport Department & Ors.

Mr. Sattwik Bhattacharyya, Advocate
Mr. Aashutosh Bhattacharya, Advocate
Mr. Aritra Roy, Advocate
.....for the Appellant
Mr. Aishwarya Rajyashree, Advocate
.....for the Respondent No. 3/STA Jharkhand

1. Though the Stamp Reporter has indicated that the instant appeal has been filed beyond the period of limitation provided therefor, but after considering the gamut of the order impugned in the instant appeal, we do not find any merit in the instant appeal and, therefore, proceeded to decide the same.
2. The writ-petition was taken out for issuance of mandamus commanding the authorities to put the counter-signature on the Reciprocal Transport Agreement permitting the petitioner to ply the vehicle spanning over two States.
3. It is sought to be contended that the petitioner had been granted the road permit in this regard after the counter-signature was put on the permit issued by the State of West Bengal but after the expiration of the period, the same is put at halt which constrained the petitioner to ply the vehicle in the designated/ specified route.
4. It appears that a submission was advanced on behalf of the contesting respondents that the Board Meeting

is scheduled to be held in near future and because of the ensuing Lok Sabha Election, the same is postponed.

5. Taking into account that model code of conduct has intervened after declaration of the Parliamentary Election, the single Judge has directed the matter to be posted on 11.06.2024.
6. Though it is sought to be contended before us that an interim order was prayed for which, in fact, has been denied, but we do not find any such reflection from the impugned order. The Single Bench has not decided the fate of the case and have kept the matter alive which cannot come within the purview of 'case decided'
7. Since the single Bench is in seisin of the matter and directed the same to be listed on 11.06.2024, we do not think that it is fit case where any interference to the said order is called for.
8. The appeal being **MAT 832 of 2024** is thus **dismissed**. The connected application being **CAN 1 of 2024** also stands **dismissed**.
9. However, liberty is granted to the petitioner to pray for an interim order on the next date for listing of the matter before the single Bench.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

