

12.6.2024
ct.25, sl. 10
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WPA 13762 of 2024

Deb Kr. Maity vs-State of West Bengal & Ors..

Mrs. Payel Panja
.....for the petitioner

Mr.Amal Kr. Sen
Mr. Lal Mohan Basu
....for the State.

The petitioner is aggrieved that his application for permit vide a letter dated November 3, 2022 has not yet been considered by the concerned authorities. He is aggrieved further that he has not been allowed to submit the application fee as prescribed under law along with his application. He seeks adequate relief.

Mrs. Panja, learned advocate is appearing for the writ petitioner. She has relied on the provision under Section 80 of the Motor Vehicles Act. She submits that an application for permit of any kind may be made by a person at any time, in terms of the provision of that Section. Accordingly, she says the writ petitioner having made an application in the year 2022 and without receiving any response from the respondent authority as regards the same, is aggrieved and prejudiced.

Mr. Sen, learned advocate is appearing for the State.

Mr. Sen is, however, of the opinion that the petitioner's application dated November 23, 2022 could not be maintainable in so far as the petitioner has asked for a new route to be provided to him.

He says that the respondent authority is entitled and authorized to grant permit of stage carriages with respect to the authorised line of transportation, as formulated by the Government in terms of Section 68(E-3)(ca) of the Motor Vehicles Act, 1988.

Mr. Sen indicates that the respondent authority is not entitled to formulate a new route as prayed for by the writ petitioner.

He further indicates that the application of the concerned petitioner has not been made in the statutorily stipulated format. Thus on the grounds as above, Mr. Sen says that the application of the petitioner would not be maintainable.

Perused the materials on record as well as considered the submissions of the learned advocates for the parties.

It is not denied that the prayer of the writ petitioner is pending before the concerned respondent authority since November 23, 2022. There may be grounds on which the respondent authority thinks the said application not to be maintainable. Also there may be reasons for the writ petitioner to find its own application as valid in the eye of law.

Be whatever may, according to the second proviso to Section 80(2) of the Act of 1988, the respondent authority in case finds it proper to refuse grant of permit

to an applicant, has to inform the same in writing showing reasons for refusal.

Therefore, this Court finds it proper to direct the concerned respondent authority i.e. the respondent no. 2, the Regional Transport Authority, Purba Medinipur to consider and dispose of writ petitioner's application dated November 23, 2022 strictly in terms of the statutory provisions.

In doing so the respondent no. 2 shall afford opportunity of hearing to the writ petitioner as well as any other persons as it may think fit and proper and also consider documents, as it finds necessary.

The entire exercise as above shall be concluded by the concerned authority within a period of six weeks and inform its decision to the petitioner within a period of one week thereafter.

Since no affidavit-in-opposition has been called for in this case, all allegations made in this writ petition are deemed to have been denied by the concerned respondent.

The writ petition is disposed of.

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

(Rai Chattopadhyay, J.)

