

D/L. 22.
May 21, 2024.
MNS.

WPA No. 14203 of 2024

Shyamal Chandra Dolai
Vs.
The State of West Bengal and others

Mr. Arif Ali,
Mr. Joydeep Mishra

... for the petitioner.

Mr. Anirban Ray,
Mr. Tanoy Chakraborty,
Mr. Saptak Sanyal

...for the State.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner points out that the petitioner gave on hire his vehicle, which has a permit for being used for commercial purposes, to the respondent no. 4-authority.
3. Thereafter, although bills were paid to the petitioner at the agreed rate up to the month of March, 2020, subsequent to the intervention of the Covid Pandemic, no further payments were made. The petitioner ran from pillar to post for getting such payments.
4. Ultimately, the matter reached this court and a co-ordinate Bench of this court, while disposing of the writ petition, observing the stand of the respondents that there are civil

elements involved, directed the respondent authorities to consider the representations of the petitioner.

5. Thereafter, although a reasoned order refusing the petitioner's claim was passed by the respondent authorities, the documents, which were the premise of such consideration as reflected in the said order itself, were not disclosed to the petitioner.
6. The petitioner made several queries under the Right to Information Act, 2005, (2005 Act), but was not handed over the appropriate documents. In fact, it is submitted that in an unprecedented manner, the respondent authorities even refused to accept the queries/applications of the petitioner in that regard.
7. The further grievance of the petitioner is that due to non issuance of a 'No Objection' Certificate (NOC) by the respondent authorities, the petitioner is not being able to engage his vehicle for some other authorities.
8. Learned counsel for the State relies on the order passed by the respondent authorities and submits that the documents disclosed therein and the reasons given for refusal to accede to the money claim of the petitioner are ample. It is submitted that, as reflected

therein, the work order to the petitioner was never extended, apart from the respondent authorities having written to the petitioner indicating that the service of the petitioner was no longer required.

9. Be that as it may, although the State-respondent submits that sufficient indications have been given to the petitioner that he is free to use the vehicle elsewhere, I do not find from the records that any proper NOC was given to the petitioner in order to enable the petitioner to give on hire his vehicle to some other authorities.

10. Accordingly, WPA No. 14203 of 2024 is disposed of by directing the respondent authorities to issue a proper NOC to the petitioner immediately, preferably within a fortnight from date, to enable the petitioner to engage his vehicle for other purposes than that of the respondent no. 4.

11. With regard to the money claim of the petitioner, the same is purely a civil dispute requiring assessment of detailed evidence and the petitioner will be at liberty to approach the competent civil court for claiming the amounts for hiring of the petitioner's vehicle to the respondent authorities and/or damages, if claimed by the petitioner.

12. It is further clarified that the petitioner would be at liberty to take recourse to the appropriate provisions of the Code of Civil Procedure for insisting upon production/discovery/interrogatories regarding the documents on which the respondents rely on for the purpose of such suit.

13. It is further made clear that in the said suit, the petitioner would also at liberty to challenge the impugned order of refusal of the money claim of the petitioner by the respondent authorities.

14. Irrespective of the said order, the Civil Court shall be at liberty to independently decide all issues involved in the suit without being influenced in any manner by any of the observations made herein and/or in the order impugned herein.

15. There will be no order as to costs.

16. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)