

WPA 17358 of 2024

**Anahar Ali
Vs.
State of West Bengal & Ors.**

**Mr. Sattwik Bhattacharyya,
Mr. Aashutosh Bhattacharyya,
Mr. Titas Niyogi,
Mr. Aritra Roy.**

... for the petitioner

**Mr. Pantu Deb Roy, A.G.P,
Mr. Pannalal Bandopadhyay.**

... for the State

1. The petitioner is aggrieved due to the respondent No. 3, that is, Secretary, Regional Transport Authority, Purba Bardhaman, not granting him a permanent stage carriage permit with respect to vehicle no. WB-29B-3455, over route from Tarakeswar to Memari. He says that the same is allowed to him vide the resolution of the Board dated March 27, 2023.
2. The petitioner is again aggrieved due to non consideration by the said respondent of his letter dated March 11, 2024, thereby submitting the requisite documents and complying with the statutory formalities.
3. Hence, this writ petition has been filed by the petitioner to pray for *inter alia* an order commending the respondent No. 3 to issue the permanent stage carriage permit, time table and fare chart on the route from Tarakeswar to Memari.
4. Mr. Bhattacharyya, appears through video conference, for the petitioner. He has taken this

Court to the resolution of the Board dated March 27, 2023, to submit that the Board has decided for grant of permanent stage carriage permit to the writ petitioner. He says that the vehicle as per specification given by the said authority, has been produced by the petitioner along with fulfilment of all formalities by him. Mr. Bhattacharyya has further indicated that the purported inaction of the respondent No. 3 in granting permit as was approved by the Board for the petitioner is due to the reason of not obtaining a '*no objection certificate*', from the corresponding authority of the other district, through which the road alignment, covered under the said permit, is extended.

5. Mr. Bhattacharyya alleges about discriminatory treatment to have been meted out to the petitioner in so far as, other applicants who have been granted permanent stage carriage permit by dint of the self-same resolution of the Board dated March 27, 2023 and the permitted route of whom stretches through two different Districts, have already been granted such permit without any '*no objection certificate*' being obtained from the corresponding authority of the other District.
6. Accordingly, Mr. Bhattacharyya has stated such discriminatory treatment of the petitioner is untenable in the eye of law and is tainted from arbitrariness. Accordingly, he challenges the same with the prayer for setting aside of such decision/alleged inaction on part of the said

respondent, in not granting the permanent stage carriage permit to the writ petitioner.

7. Mr. Deb Roy, is representing the State respondent and appearing through video conference. Mr. Deb Roy submits that since the route for which the permit has been granted to the writ petitioner stretches through the two different Districts, therefore as per the statutory provisions, such grant of permit would be subject to a '*no objection certificate*' being granted by the other District through which the part of the route lies.
8. In the context of this case let Rule 103 of the West Bengal Motor Vehicles Rules, 1989, be quoted as herein below:-

“103. Before deciding to grant permit on any route or in any area which falls within the jurisdiction of two regions, the Regional Transport Authorities concerned shall meet at a joint conference and decide the issue. In case there is no unanimity, the matter shall be referred to the Commissioner of the Division if they fall within the same Division and in all such cases, the decision of the Commissioner shall be final. In all other cases, the matter shall be referred to the State Transport Authority and the decision of the State Transport Authority shall be final.”

9. It appears that in the present case the Regional Transport Authority, Purba Bardhaman, has not yet taken any step for obtaining '*no objection certificate*' with regard to grant of permit to the writ petitioner for the route from Tarakeswar to Memari, spreading over the Districts Purba Bardhaman as well as Hooghly. Since Rule 103 of the West Bengal Motor Vehicles Rules, 1989, mandates for such consensus of opinion of the authorities of two Districts, in a case

of similar nature, it would be mandatory and imperative for the respondent No. 3 to obtain such '*no objection certificate*' from the corresponding authority of the other concerned District. There is no apparent or cogent reason as to why the respondent No. 3 sat tight over the matter by not obtaining such '*no objection certificate*' from the corresponding authority of the other District, inspite of the permit having been granted to the writ petitioner by virtue of the Board's decision in the said resolution. Pertinent is to note that two other appellants have been granted permit without such '*no objection certificate*' having been obtained, which is in gross violation of the applicable rules.

10. Be that as it may, so far as this writ petition is concerned, in view of the facts and circumstances as above, the same is disposed of with the following directions:-

- (i)** The Respondent No. 3 shall immediately take steps to obtain '*no objection certificate*' from its corresponding authority in the District of Hooghly, regarding grant of permanent stage carriage permit to the writ petitioner.
- (ii)** The respondent No. 4 upon receipt of such an application from respondent No. 3, shall immediately take steps for grant of such '*no objection certificate*' in favour of the petitioner pursuant to the resolution of the Board dated March 27, 2023 and subject to fulfilment of other statutory formalities.

- (iii) Respondent No. 3 upon receipt of such '*no objection certificate*' from the respondent No. 4, shall take immediate necessary steps for grant of permit pursuant to the Board's resolution dated March 27, 2023 and in compliance with the statutory formalities.
- (iv) The entire exercise as above shall be concluded by the respondent No. 3 and 4 respectively, within the period of six weeks from the date of communication of copy of this order.
- (v) The petitioner shall be informed about the decision of the respondent/s, within one week from the date of its order

11. Since it has come to the knowledge of this Court regarding grant of permanent stage carriage permit to one Joytirmoy Nandi and Tapas Pal without obtaining '*no objection certificate*' as above, this Court is of the considered view that the Secretary, Transport Department be directed to cause of inquiry as to the matter. In case any infringement of the statutory provision is revealed during such enquiry, the Secretary, Transport Department is directed to fix responsibility of the same and to start departmental inquiry as to the said employee/s. The report as to the steps taken by the Secretary, Transport Department be submitted at the administrative side of this Court, in the Office of Learned Registrar General within a period of six weeks from the date of communication of copy of this order to the office of

Secretary, Transport Department, Government of West Bengal, who in turn shall place the same, before this Court.

- 12.** With the directions as above, this writ petition being WPA No. 17358 of 2024 is disposed of, along with the pending applications, if any. Office is directed to serve a copy of this order to the Secretary, Department of Transport Authority and Ld. Registrar General – forthwith.
- 13.** Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)