

WPA 17985 of 2024

**Sanjit Sarkar
Vs.
State of West Bengal & Ors.**

**Mr. N.I. Khan,
Mr. Arun Kanti Bera.
... for the petitioner**

**Mr. Vimal Kumar Shahi, Ld. A.G.P.
Ms. Pratiti Das.
... for the State**

1. Affidavit-of-service filed in Court today is taken on record.
2. The writ petitioner has submitted application for grant of permit with respect to his vehicle that is, “Maxi Cab”. Such application was submitted on November 23, 2022 along with requisite fees.
3. The petitioner is aggrieved that such application of him has not yet been considered by the concerned respondent authority/ respondent no. 2.
4. Mr. Khan, learned counsel appearing for the writ petitioner has pointed out that the notification dated April 8, 2003 was in force at one point of time, which put some embargo for grant of permit to such kind of vehicle.
5. He indicates to the subsequent notification dated February 20, 2013, to submit that the previous notification was superseded by the later.
6. He has further indicated to an order of this Court dated July 2, 2013, to submit that by dint of Court’s order the subsequent notification that is, dated February 20, 2013 has also lost its force. Therefore,

according to the petitioner, at present, there is no embargo in existence to grant permit to such kind of a vehicle, for which the petitioner has applied for.

7. On behalf of the State respondent, a written instruction sheet, given by the Secretary, Regional Transport Authority, Nadia to the Additional Government Pleader, has been filed in Court today. Mr. Shahi, Ld. Additional Government Pleader appearing for the State has relied on the same and raised objection as to the contention and prayer of the writ petitioner as above.
8. The said written instruction sheet, submitted in Court today be taken on record.
9. The same inter alia, contends as follows:-

“ ** ** ** ** ** **

3. In some cases there are some restrictions from Police Authority and some routes covers more than 80% bus route and Kalyani Station is congested as per report of the Superintendent of Police, vide memo no. 298/Traffic dated 23.09.2016.”

10. According to the said authorities, it would not be feasible for grant of permit to the writ petitioner in view of the circumstances as mentioned in the said written instruction sheet, as above. The respondents have not denied receiving of application for grant of permit, submitted by the petitioner in the prescribed form as mentioned above.
11. Under these circumstances, the respondents would be duty bound to dispose of the same.

12. Hence, the writ petition is disposed of by directing the concerned respondent no. 2 to consider petitioner's application for grant of permit dated November 23, 2022 in accordance with law.
13. In doing so, the concerned respondent shall allow the writ petitioner an opportunity of hearing and pass a reasoned order, and in case, the petitioner's prayer is to be rejected instead of granting him permit.
14. The respondent no. 2 shall conclude the exercise as above within a period of six weeks from the date of service of copy of this order and inform its decision to the petitioner within one week from the date of its order;
15. Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
16. This writ petition being WPA No. 17985 of 2024 is disposed of, along with the pending applications, if any.
17. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)