

WPA 18183 of 2024

Subrata Sarkar
Vs.
State of West Bengal & Ors.

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

Mr. Amal Kumar Sen, ld. A.G.P.,
Ms. Sucheta Banerjee.
... 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 25, 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 He indicates to the subsequent notification dated February 20, 2013, to submit that the previous notification was superseded by the later.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.** Mr. Amal Kumar Sen, learned Additional Government Pleader is representing the State. He concedes to the fact that both of the notifications as mentioned above have lost its force.
- 8.** However, he submits that grant of permit would be dependent upon various other factors including congestion in the route etc.
- 9.** He has sought for an appropriate order in this case.
- 10.** The notification dated April 8, 2003, is in relation to the subject matter operation of Omni Buses/small passenger vehicles as stage carriage. The vehicle with a seating capacity of more than six was allowed to ply as stage carriage, on fulfilment of certain conditions as enumerated therein and in the Districts on the pocket routes not covered by the stage carriage services.
- 11.** A further notification dated February 20, 2013, has superseded the earlier one by allowing “Maxi Cab”/small passenger vehicle/tracker etc to ply of stage carriage on fulfilment of the conditions promulgated therein.
- 12.** When the Court interfered into the same by dint of its order dated July 2, 2013, in WP 18310 (w) of 2013 and the propriety of same was considered by the Court, to be found not in consonance with law as well as the previous orders of the Court. Thus, the

Court interfered and set aside the said notification dated February 20, 2013.

- 13.** As a consequence there remains no embargo for grant of permit to a small vehicle like “Maxi Cab” as owned by the present petitioner.
- 14.** Considering the facts as above, the present writ petition is disposed of by directing the concerned respondent authority/respondent no. 2 to consider petitioner’s application for grant of permit dated November 25, 2022 in accordance with law as discussed above.
- 15.** 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.
- 16.** 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;
- 17.** Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
- 18.** This writ petition being WPA No. 18183 of 2024 is disposed of, along with the pending applications, if any.
- 19.** Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)