

WPA 18828 of 2024

Srikanta Adhikary--vs-The State of West Bengal & Ors.

12.8.2024
ct.25, sl. 40
sk

Mr. Sanat Kr. Roy
Mr. Baidurya Ghosal
...for the petitioner.

Mr. Pantu Deb Roy, Ld. A.G.P.(through video conference)
Mr. Lal Mohan Basu
...for the State.

The petitioner has submitted an application for grant of permit in the prescribed form, that is, dated 20th June, 2024, for Auto Rickshaw, in the route from Dakhineswar Metro Station to Bally Halt Station.

His allegation is regarding non-consideration thereof by the concerned respondent authority. He seeks relief in this case, that such application of him be forthwith considered and permit be granted to him.

Learned advocate appearing for the petitioner has pointed out to the facts firstly, that the application has been sent by speed post with acknowledgement due, to the office of the concerned respondent authority. Secondly, that an order of the Secretary, Transport Department dated 30th March, 2012 would oblige the concerned respondent No. 3, to mandatorily accept the application of the petitioner as above seeking grant of permit.

Mr. Roy has further stated that the 'track report' from the official website of the postal department, would

show due delivery of the said application, in the office of the concerned respondent.

Mr. Deb Roy, learned advocate is appearing for the State respondent through video conference. He submits that the application as above may be directed to be considered by the concerned authority, only when it is received in the office of the said respondent. The respondent has denied receipt of any such application of the petitioner.

The provisions under the statute as well as that mentioned in the notification dated 30th March, 2012, would clearly indicate the bounden duty of the respondent to accept petitioner's application for grant of permit and to consider the same in accordance with law. The petitioner has sent the same, through speed post with acknowledge due. However no acknowledge card has been produced in the Court. Though Mr. Roy on behalf of the petitioner has relied on the postal track report, as a proof of delivery of his client's application, in the office of the said respondent, the same is also not produced in Court's record. Therefore, there is no sufficient document as yet, in the Court's record, if the respondent is in receipt of the application, sent by the petitioner.

In view of the facts and circumstances of the case as above, this writ petition is being disposed of by dint of the following directions :-

- i) Let the respondent No. 3 consider the petitioner's application for grant of permit in prescribed form, that is, dated 20th June, 2024, upon receipt of the same in the office, through post;
- ii) The petitioner, however, is granted liberty to forward the 'track report' as mentioned above, to the office of the respondent, which the respondent shall consider, and if satisfied, shall take adequate necessary subsequent steps, with regard to consideration of his application for grant of permit to the petitioner;
- iii) The exercise as above shall be concluded by the concerned respondent within a period of six weeks from the date of communication of, the petitioner's letter enclosing the 'track report' along with copy of this order and its order shall be informed to the petitioner within one week, therefrom.

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.

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

(Rai Chattopadhyay, J.)