

3.9. 2024
item No.4
n.b.
ct. no.24

WPA 19662 of 2024

Biman Maity.
Vs.
State of West Bengal & Ors.

Mr. Arabinda Chatterjee,
Ms. Kakali Dutta,
Ms. Aayushi Mukherjee,
..... for the petitioner.
Mr. Pandu Deb Roy,
Mr. Subrata Guha Biswas
..... for the State.

Affidavit of service filed by the petitioner is taken on record.

One route permit was granted by the State Transport Authority, Government of West Bengal in the year 1999 from Beta to Calcutta(CBS) via Contai, Haria, Howrah Railway Station. The permit was renewed from time to time and the same was transferred to one Nitai Kumar Barik vide STA resolution dated 27.10.2006. Mr. Nitai Kumar Barik was holding for the route Kasbogola to Kolkata(CBT). Thereafter, the said Nitai Kumar Barik transferred the permit in the name of the present petitioner on August 9, 2019. On the prayer of the petitioner, the Regional Transport Officer, Contai has issued an order of transfer of the permit on August 28, 2023. It is the case of the petitioner that the order of transfer of permit is attached with a vehicle bearing registration No. WB-31-3881. The said permit and the transfer of ownership is required to be incorporated

including the registration number is recorded to be incorporated in the Part-II of the said permit. However, it has been instructed by the authority concerned to the petitioner, that as the vehicle bearing registration No. WB 31/3881 is more than 15 year old, so, the petitioner is required to purchase a new vehicle for incorporating the same physically in the Part-B from P.ST. P. On such proposal, the petitioner has purchased a vehicle bearing registration No. WB 29B 8963.

It is the submission of the petitioner that he has made a representation to the authority concerned, so that the transfer of permit and the registration number of the vehicle may be physically incorporated in the permit itself, but the authority concerned has failed to act upon the said representation. Consequently, the present petitioner is suffering huge loss. Thus, the instant writ is preferred.

Mr. Pantu Deb Roy, learned counsel appears on behalf of the concerned authority submitted that the earlier vehicle bearing registration No. WB 31 3881 was more than fifteen years old, so, the instruction is given to the petitioner to substantiate the vehicle the petitioner has purchased a new vehicle bearing registration No. WB 29B 8963. He submits that the necessary direction may be passed.

Having heard learned counsel for the parties, also considering the order of transfer of permit dated August 28, 2023 standing in the name of the petitioner, it appears

that the petitioner has already purchased a new vehicle bearing registration No. WB 29B 8963. Thus, the authority concerned must act upon the representation of the petitioner dated 12.3.2024(annexure 'P-5').

Considering the fact, it appears to me that the prayer of the present petitioner is bona fide.

Considering the above aspect, the instant writ petition is disposed of with a direction to the respondent no.3 to take a proper decision in respect of representation of the petitioner dated 12.3.2024(annexure P-5) by incorporation the name of the petitioner in the prayer as well as number of the vehicle bearing registration No. 29B 8963.

The concerned authority is directed to take decision within four weeks from the date of communication of this order, more preferably, within the ensuing Puja vacation. The concerned authority shall dispose of the representation after giving the reasonable opportunity of being heard to the petitioner. The decision of the respondent authority shall be informed to the petitioner within one week from the date of passing of this reasoned order.

Under the above observation, the writ petition is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)