

09.09.2024
SL No.15
Court No.24
Ali

WPA 20408 of 2024

**Swapan Patra
Versus
The State of West Bengal & Ors.**

Ms. Kakali Dutta
.....for the petitioner.
Mr. Anand Parmanic
.....for the State.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

A Permanent Stage Carriage Permit was issued in favour of the petitioner in respect of the route Sonakania to Kolkata Railway Station on 14.07.2014 to ply his vehicle bearing registration No. WB11A/8466, the date of expiry of the said permit was 13.07.2019.

The petitioner was plying the vehicle in the said route as per the time table issued by the concerned authority on 3rd of September, 2019. During the said period the present petitioner submitted an application to transfer the permit in the name of one Monoranjan Patra.

On the basis of the said application, the concerned authority has called the petitioner and Monoranjan Patra for hearing at the chamber of the respondent No. 3 on 12th of September, 2017. The hearing was conducted but no decision was taken by the concerned authority.

In the meantime, the earlier permit has expired and the petitioner has submitted the permit fees along with the fine amounting to Rs.24,500/- vide a T.R. Form to the authority concerned.

In the meantime, the earlier vehicle bearing No. WB11A/8466 appears to be completed its 15 years. Thus, the petitioner has applied to substitute another vehicle bearing No. WB 29B/3890 in the same permit petitioner made a several representation but the authority concerned has not answered any of the representations. Finally, the petitioner has submitted a representation on 25th of July, 2024 (annexure P-6). But, the authority concerned has not passed any order regarding the renewal of permit or substituting the vehicle bearing No.WB 29B/3890 at the place of vehicle bearing No. WB11A/8466.

Hence this writ petition.

Learned counsel appearing on behalf of the State authority submits that necessary direction may be passed so that a prompt decision may be taken to the concerned respondent authority.

Having heard the parties also considering the prayer of the writ petition as well as the annexures thereof it appears to me that the petitioner has acted in bona fide manner to renew the permit, earlier issued in his favour, also made a reasonable prayer for substituting his old vehicle to

a new vehicle. The authority concerned must have to act upon the representation filed by the petitioner.

Considering the same situation, the instant writ petition is disposed of with a direction to the respondent No. 3 to pass a reasoned order in respect of the representations of the petitioner dated 25th of July, 2024 as well as dated 30th January, 2024 (annexures P-5 & P-6 of the writ petition) positively within four weeks from the date of communication of this order after giving an opportunity of being heard to the petitioner.

The concerned authority must take an appropriate decision according to the merit of prevalent facts and circumstances and according to the law without being cumbered themselves by mere technicalities.

The decision of the authority shall be informed to the petitioner within two weeks after such decision.

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

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)

