

**WPA 20538 of 2024**

**Sanjoy Sen  
Vs.  
State of West Bengal & Ors.**

**Mr. N.I. Khan,  
Mr. Amlan Kumar Mukherjee.  
... for the petitioner**

**Mr. Jayanta Samanta,  
Mr. Subhendu Sengupta.  
... for the State**

1. Affidavit-of-service filed in Court today is taken on record.
2. A written instruction of the respondent authority, submitted in Court today, is taken on record.
3. This is a writ petition filed by the petitioner alleging unreasonable, unjust and illegal action taken by the respondent Board, Regional Transport Authority, Malda, by adopting a non-speaking and cryptic resolution dated August 31, 2023, thereby rejecting petitioner's prayer for grant of stage carriage permit.
4. Mr. N.I. Khan, learned counsel appears for the petitioner and submits that the petitioner has applied for the permit, duly in compliance with the statutory provisions, by furnishing the application fee, along with the statutory form and the proposed timetable.
5. He has referred to the impugned decision of the authority which runs as follows:-

**“There are many stage carriage service which are plying in 5(five) minutes gap. So, the prayer is considered and rejected.”**

6. He would say that the decision is a non-speaking one not elaborating the reasons, therefor sufficiently. He says that, in such circumstances, the said decision of the respondent authority, is not maintainable.
7. He seeks an appropriate order in this writ petition.
8. Mr. Jayanta Samanta, learned senior counsel is representing the State. He has handed over to Court written instruction of the concerned respondent/the Regional Officer, Malda. On the basis of the same, he would say that the route congestion is the prime reason for which, no variation can be allowed there, as prayed for. He has referred to the relevant portion of the said written instruction, that as many as nine routes are lying through the said alignment and additional permit if granted, even if by way of variation, would impose more burden on the route.
9. The law is well-settled that in view of the liberal policy undertaken in the statute, that is, the Act of 1988, no person can be restrained to seek for grant of permit at any point of time. Variation of route is also a known phenomenon, in the statute, which is undeniable unless falls within the statutory limitations.
10. Therefore, to reject such prayer the relevant authority should come up with a just and sufficient cause to justify that no permit should be granted for the route as prayed for.

- 11.** In the present case, the decision of the respondent authority, as mentioned above, would however, fall short of that earmark. Sufficiently justifiable reason for rejection of the petitioner's prayer is unavailable, as the impugned order is not elaborating as to why the petitioner, being a bona fide and lawful applicant, can be denied from his prayer.
- 12.** Accordingly, this Court finds the decision taken by the respective Board of the Regional Transport Authority, Malda vide resolution dated August 31, 2022 to be an unreasonable, unjust and as such an illegal one.
- 13.** Hence, the decision of the respondent authority's vide resolution order dated August 31, 2023 is set aside so far as the present petitioner is concerned.
- 14.** This writ petition being WPA 20538 of 2024 is allowed by directing the said respondent Regional Transport Authority, Malda/respondent no. 2, to consider petitioner's prayer afresh and dispose it of by dint of a reasoned order, within a period of three weeks from the date of communication of this order.
- 15.** In doing so, the respondent shall allow an opportunity of hearing to the petitioner.
- 16.** The decision of the respondent shall be communicated 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. 20538 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.)**