

SL.14
11.12.2024
Court No.25
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 22503 of 2024
with
IA No. CAN 1 of 2024

Samir Ghosh
Versus
The State of West Bengal & Ors.

Mr. N.I. Khan
Mr. Amlan Kumar Mukherjee
...for the Petitioner.

Mr. Anand Farmania
Ms. Susmita Biswas Chowdhury
...for the State.

Mr. Sanat Kumar Roy
Ms. Rini Bhattacharyya
...for the added Respondent.

1. The present writ petition is filed by the petitioner being aggrieved as to the inaction of the respondent authority, in considering his prayer for modification of the provisional time table issued vide order dated July 21, 2023.

2. The writ petitioner produces a permit issued in the name of “M/s. Chandi Mata Transport” under which the vehicle No. WB37B1043 is covered. The said vehicle No. WB37B1043 is registered in the name of the present writ petitioner. The permit has been renewed till March 13, 2015 as against the said vehicle and the petitioner claims to have been plying the same in terms of the permit conditions.
3. A notice as to the provisional timetable dated May 25, 2022, was published inviting objections. The added respondent filed their objection dated June 7, 2022. Allegedly the said objection has not been taken into account by the respondent authority. To this extent learned advocate appearing for the petitioner is relying on the minutes of hearing dated July 19, 2022 on the basis of which he would say that the parties appeared before the respondent authority for hearing on the objection filed by the added respondent and came to a consensus of opinion regarding publication of time table for three months from the date of that meeting.
4. Later, on November 10, 2022, another notice was issued inviting objections as to the time table.

5. Finally on July 21, 2023 the final time table was published.
6. Thereafter, the petitioner has prayed for certain modification in the said final time table dated July 21, 2023.
7. To the contentions and the prayer of the writ petitioner, there is strong objection on behalf of the State as well as private respondent. Mr. Sanat Kumar Roy, learned advocate appearing for the private respondent submits that after dissolution of the partnership firm namely “M/s. Chandi Mata Transport Company” and the same being conferred to a sole proprietorship firm and also after the death of the said sole proprietor thereof, there has not been any permit in the name of any other persons including the legal heir of the sole proprietor, in terms of provision under Section 82 of the Motor Vehicles Act, 1988. In such a situation, he would submit, that the permit ceases to exist any further not being transferred in favour of any other person, in accordance with law. The private respondent as well as the State respondent would be of consensus of opinion, that in such an eventuality, there would not be any scope for the respondent authority to issue or modify any time

table in favour of the petitioner. That, the petitioner, only by virtue of being the registered owner of the vehicle covered under the said permit, cannot claim the rights of a permit owner on a route, in accordance with law.

8. Evidently, since after the death of the sole proprietor of the firm in whose name the permit has been issued earlier, there is no transfer of name in the permit in accordance with law. However, the respondent authority has allowed during all this time to ply the vehicle under the said permit, which is registered in the name of the present petitioner. It has also issued the final time table on July 21, 2023. As a matter of fact, the Court is inclined to note that on November 25, 2024 a partnership agreement has been entered into by the petitioner and the legal heir of the sole proprietor of the firm, now deceased.
9. In such circumstances, the Court finds it proper to dispose of the present writ petition by directing the respondent No.2 to consider and decide as to the prayer in the petitioner's application for modification of the final time table dated July 21, 2023, along with the issue as raised in the present writ petition, regarding validity of the permit.

10. Let the State Transport Authority, West Bengal, decide upon the issues above after affording opportunity of hearing to the writ petitioner as well as the private respondent and any other persons as it may be fit and proper. Let the exercise above be completed within a period of six weeks from the date of communication of the order.
11. With the above observations and directions, the writ petition being **WPA 22503 of 2024** stands **disposed of** and the connected application being CAN 1 of 2024 is also disposed of.
12. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)