

22.01.2024
rc/ct.no.10
Item No.708

WPA No. 24083 of 2023
Abdul Kalam Azad & Anr.
Versus
The State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee
Sk. Samim Akhter
Mr. Niraj Gupta
Ms. Afroja Nusat ...for the petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas ...for the State

Affidavit of service and supplementary affidavit filed by the petitioners are taken on record.

Written instructions submitted on behalf of the State respondents is also taken on record.

The petitioners seek a direction upon the respondents to act in terms of the decision taken by the authority in the meeting held on November 23, 2021.

The State Transport Authority, West Bengal, in its meeting held on November 23, 2021 decided to allow transfer of permits provided the proposed transferees are able to place a permissible vehicle lawfully owned by them within the meaning of Section 2(30) read with the relevant portion of Chapter IV of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act of 1988") and has BS compliance as per existing norms within the valid period of the permit. The supplementary affidavit submitted by the petitioners demonstrates that a BS-III vehicle bearing registration no. WB-51A-8043 is in the name of the

petitioners. The first petitioner being the proposed transferee seeks to place the said vehicle before the concerned authority for the said vehicle to be treated as replaced vehicle in respect of the stage carriage permit to be transferred in his favour.

Since the first petitioner has complied with the norms laid down in the decision dated November 23, 2021, the writ petition is disposed of directing the 4th respondent to act in terms of the decision taken by the Board on November 23, 2021 within four weeks from the date of communication of this order.

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)