

22.01.2024
rc/ct.no.10
Item No.709

WPA No. 24664 of 2023
Pritish Nayak & Ors.
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. Jaladhi Das ...for the State

The petitioners applied for permanent stage carriage permit in the inter regional route from Jhalda (Paschim Medinipur) to Masaria (Purba Medinipur) via Chandaneswar (Odisha). The application filed by the petitioners was turned down by the State respondents by a decision taken in their meeting held on August 18, 2023 on the ground that since the application submitted by the petitioners covered two regions, the concerned RTA was the appropriate authority to deal with the applications filed by the petitioners. The said decision is impugned in the present writ application.

Learned counsel for the petitioners submits that the State Transport Authority, West Bengal is the authority to grant permit in favour of the petitioners in the inter regional route from Jhalda (Paschim Medinipur) to Masaria (Purba Medinipur) via Chandaneswar (Odisha) in view of a notification issued by the Government of West Bengal, Transport Department on November 06, 1995. The

petitioners seek reconsideration of their application by the authority and issuance the permit in their favour.

Per contra, learned counsel for the State respondents submits that since the proposed route is from Jhalda (Paschim Medinipur) to Masaria (Purba Medinipur) via Chandaneswar (Odisha) covering the two districts, the petitioners ought to have applied before the Regional Transport Authority in terms of Section 69 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the Act of 1988”).

Learned counsel has relied upon a notification issued by the Government of West Bengal on March 08, 2013 which demonstrates that application for permits of all kinds of vehicles that would ply in three regions lying within the same State will be made to the Regional Transport Authority of the region in which the major part of the proposed route lies. Since the present case pertains to issuance of permit in respect of route covering two different States, the notification dated March 08, 2013 is not applicable herein.

The notification issued by the Government of West Bengal, Transport Department on November 06, 1995 in terms of Section 69(2) of the Act of 1988 envisages that all applications for permit made under Section 69(1) of the Act of 1988 for any vehicle or vehicles proposed to be used in two or more regions lying in West Bengal and any other State shall be made to the State Transport Authority, West

Bengal by an applicant residing in West Bengal or having his principal place of business in the State. It is not in dispute that the petitioners are residents of West Bengal and have their principal place of business herein.

In view of the above, the decision taken by the State Transport Authority, West Bengal in its meeting held on August 18, 2023 is set aside.

The State Transport Authority, West Bengal being the 2nd respondent herein, is directed to issue permits in favour of the petitioners in terms of the provision laid down under Section 69(2) of the Act of 1988 as well as the notification dated November 06, 1995 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)