

21
10.12.2024
Court No. 25
D.Hira

WPA 26656 of 2024

**Ramananda Jha
Vs.
The State of West Bengal & Ors.**

**Mr. Sakti Pada Jana,
Ms. Subhajyoti Das,
Ms. Sudipta Pramanick.
... for the petitioner**

**Mr. Pantu Deb Roy, Id. A.G.P.,
Mr. Subrata Guha Biswas.
... for the State**

1. Affidavit-of-service filed in Court today is taken on record.
2. Report filed in form of an affidavit on behalf of the respondent nos. 2 to 4, in Court today, be taken on record.
3. The writ petitioner is the permanent stage carriage holder of the Inter-State route from Deoghar to Bolpur.
4. His permit has been lastly renewed by the permit granting authority, State of Jharkhand and counter-signed by the reciprocating State that is, State of West Bengal for the period from May 20, 2022 to May 19, 2027, with respect to the vehicle No. JH-04 E-4096.
5. On April 16, 2024 before the concerned authority at Jharkhand the petitioner desires to replace his vehicle No. JH-04 E-4096 with the vehicle No. JH-04 AB-0692.

- 6.** The prayer of the writ petitioner was allowed by the permit granting authority, STA, Jharkhand and letter was written to the reciprocating authority, STA, West Bengal for granting counter-signature with respect to replacement of vehicle as above.
- 7.** Unfortunately, at this time, the petitioner had to face difficulties in so far as regarding alleged unpaid tax and additional taxes of the earlier vehicle of the petitioner that is, vehicle no. JH-04 E-4096, for the period from April 1, 2012 to December 31, 2019.
- 8.** The RTO and Ex-Officio Assistant Director, State Transport Authority, West Bengal raised objection and sought for status for payment of tax by the petitioner for the said period from the Taxing Officer, Public Vehicles Department/respondent no. 6.
- 9.** Mr. Pantu Deb Roy, learned Additional Government Pleader is representing the State.
- 10.** He endorses that the old vehicle of the writ petitioner was approved while extending validity of the permit and counter-signing the same till May 19, 2027.
- 11.** He further submits on the basis of the said report that a letter has already been written to the Taxing Officer/respondent no. 6 who is yet to respond.
- 12.** He says that in absence of response from the respondent no. 6, the official formalities are not being completed.
- 13.** On perusal of the fact that the earlier vehicle of the writ petitioner that is, JH-04 E-4096 having been approved pursuant to the permit of the petitioner till the time May 19, 2027 and such extension of permit in favour of the said vehicle being counter-signed by

the respondent STA, West Bengal, there would not have been any issue relating to unpaid motor vehicles tax and additional taxes with respect to the said old vehicle of the petitioner.

- 14.** However, for official purposes, the authorities might require verification by the Taxing Officer/respondent no. 6 which due to the inaction of the said respondent, the authorities have not been able to proceed with.
- 15.** Under such circumstances, the Court finds it proper to dispose of the writ petition by directing the respondent no. 6 to immediately respond to the letter of the RTO and Ex-Officio Assistant Director, State Transport Authority, West Bengal dated July 31, 2024, maximum within a period of seven (7) days from the date of communication of copy of this order.
- 16.** Needless is to mention that upon receipt of verification report from the respondent no. 6, necessary formalities of acceptance of tax and additional tax for the replaced vehicle of the petitioner as to grant of counter-signature therefor, shall be completed by the concerned respondent authorities, with respect to the new vehicle no. JH-04 AB-0692, with immediate effect.
- 17.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 18.** With the above observations and directions, the writ petition being WPA 26656 of 2024 is disposed of, along with the pending applications, if any.

- 19.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)