

WPA 27500 of 2024

22.11.2024

ct.25, sl.15
sk

Kinjal Dey

vs

State of West Bengal & Ors.

Mr. Barun Kumar Samanta

...for the petitioner.

Mr. Pantu Deb Roy, Id. AGP

Mr. Pannalal Bandopadhyay

...for the State.

The petitioner is aggrieved that the respondent no. 3, the Secretary, Regional Transport Authority, Howrah Region has not accepted his application for grant of permit and the fees therefor. Hence, he seeks a direction on the said respondents for accepting the same.

Mr. Samanta, learned advocate for the petitioner has submitted that in the route No. 1 (Bandhaghat to Esplande), a permitted vehicle has not been operating for a considerable period of time i.e. Vehicle No. WB-11A/6691.

Under such circumstances, he says that his client has firstly written to the Chairman, Regional Transport Authority, Howrah Region vide his letter dated July 1, 2024 and also desires to submit his application in statutory form I, along with fees, for grant of permit, with respect to the vacancy so arose in the fleet strength of the said route due to non-performance of the vehicle as above.

Mr. Samanta would say that there would not be any impediment for the said respondent to accept the application for grant of permit by the petitioner as above rather, the same would be duty bound under the law for accepting the said application.

Mr. Deb Roy, learned advocate for the respondent has raised objection to such contentions and prayer of the writ petitioner.

Mr. Deb Roy would firstly say that the route is a notified one requiring declaration of vacancy, before the respondent authority can consider any of the applications for permit, on the said route.

It is stated further that no such declaration of vacancy over the said route has yet been made.

It is stated further by Mr. Deb Roy that there are legal procedure particularly in terms of Section 80C of the Motor Vehicles Act, 1988 and proviso thereof, which the respondent authority has to follow, in order to declare vacancy, if any, on the route as above.

Till the time, he would say that the respondent would not be authorized to entertain any application for grant of permit.

Mr. Deb Roy would seek dismissal of the present writ petition.

Considering the respective submissions by the learned lawyers of the parties and the record, this Court is of opinion that pursuant to the provision under Section 80 of the Motor Vehicles Act, 1988, the respondent authority can hardly restrain any person, from submitting an application for grant of permit.

That being so, the inaction of the respondent authority as alleged, of not accepting petitioner's formal application for grant of permit along with fees, appears to be not in conformity with the settled legal position.

In view of the same, the respondent nos. 2 & 3 are directed to immediately accept the petitioner's application for grant of permit along with fees.

However, it is made clear that the said respondent shall take up the application of the petitioner, as above, for consideration along with other similar applications, at a relevant point of time, upon due compliance with the statutory formalities for grant of permit.

The writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)