

WPA 27891 of 2024

16.12.2024

Nirmal Bali .-vs-The State of West Bengal & Ors..

Ct 24,s 16.,sk

Mr. Sanat Kr. Roy
Mr. Baidurya Ghosaal
...for the petitioner.

Mr. Amal Kr. Sen, Ld. AGP
Ms. Ashima Das(Sil)
...for the State.

Affidavit of service filed by the petitioner is taken on record.

An order of the State Transport Authority vide resolution of Board's meeting dated August 21, 2024 is under challenge in this writ petition.

The petitioner is aggrieved that his permit has been cancelled by dint of the said order by the respondent State Transport Authority, on the ground of objections being made from the police authority, due to the problem of traffic congestion.

The writ petitioner is the operator on the route from Pancharul to Karunamoyee.

Mr. Roy, learned advocate appearing for the petitioner would submit two fold. Firstly that the route in question would not traverse the restricted zone within the Kolkata Region as declared vide notification dated August 21, 2024.

Secondly, he would say that the petitioner has not been granted an opportunity of hearing as

per the statutory provisions, before the respondent/ State Transport Authority has adopted the impugned resolution dated August 21, 2024 against him. He would say that for the reasons as above, the writ petition should succeed by setting aside the impugned decision of the Board of the State Transport Authority, West Bengal vide resolution dated August 21, 2024.

Mr. Sen, learned advocate appearing for the State Transport Authority, would however, contend that the petitioner may be directed to be heard before the respondent to decide finally as regards grant of permit to the writ petitioner.

Upon hearing the arguments on behalf of the parties and the records, the Court is of the considered opinion that in terms of the statutory provision, the respondent authority is mandated to afford opportunity of hearing to the writ petitioner, before rejecting the prayer of the petitioner for grant of permit for the route.

So far as this case is concerned, it is sufficiently on record that before the State Transport Authority has taken the decision in its Board meeting dated August 21, 2024 thereby not allowing the writ petitioner to be granted with permit, due to the objections from the police authorities for having

traffic congestion, no opportunity of hearing was afforded to the writ petitioner.

The same appears to be in violation of the statutory provision and thus the inaction as above of the respondent authority is de hors the law.

Considering as above, the Court is inclined to set aside the decision of the Board, State Transport Authority, West Bengal dated August 21, 2024.

The State Transport Authority, West Bengal/respondent no. 2 is directed to grant adequate and reasonable opportunity to the petitioner for hearing and pass a reasoned order as regards the issue concerned in this writ petition.

Let the said authority conclude the aforesaid exercise within a period of six weeks from the date of communication of copy of this order and inform the writ petitioner about the order so passed, within a period of one week thereafter.

With the above direction, the writ petition No. WPA 27891 of 2024 is disposed of.

Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents.

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

(Rai Chattopadhyay, J.)