

24.1.2025

WPA 1304 of 2025

Rajesh Kr. Shaw.-vs—State of West Bengal & Ors..

ct.25, sl. 7
sk

Mr. Barun Kr. Samanta
....for the petitioner.

Mr. Pantu Deb Roy, Ld. AGP
Mr. Subrata Guha Biswas
...for the State.

The petitioner is the intending operator in the route nos. 24, 24A, 24B, 24A/1. It desires to submit applications for grant of permit as according to her, there has occurred eight vacancies into the fleet strength sanctioned on the routes as above.

The petitioner is aggrieved that in spite of her endeavours, the respondent RTA, Kolkata has not accepted her applications for grant of permit as to the said vacant position in the route.

Hence, this writ petition.

Mr. Nayak, learned advocate appears for the State respondent.

It is submitted on behalf of the State respondent that no vacancy in the route as mentioned above has yet been declared in accordance with law.

It is submitted that unless and until the vacancies are declared, the application of the petitioner for grant of permit cannot be taken into account for consideration.

Heard the submissions and perused the records.

It appears that in terms of the statutory provision, the respondent authorities could not be authorized not to receive application for grant of permit from a citizen. Accordingly, an application if made has to be accepted by the State respondent authority. However, the Court finds that unless and until the vacancy is declared on the route as mentioned above by dint of a notification, there would not be any scope for consideration and decision as regards the applications so submitted.

In such view of the statutory provision, the Court is inclined to dispose of this writ petition with the following directions:-

- i) The respondent RTA, Kolkata shall accept the application filed by the concerned applicant in statutory format along the statutory fees.
- ii) However, the said applications shall be taken up for consideration along with the similar other applications upon publication of notice of vacancy as to the route nos. 24, 24A, 24B, 24A/1.

The decision thereof after the applications being considered in the process of considering applications pursuant to the vacancy notification shall be communicated to the petitioner within a period of one week thereafter.

With the above observations and directions the writ petition being WPA 1304 of 2025 is disposed of.

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