

24.1.2025

WPA 1310 of 2025

Sudip Kundu.-vs—State of West Bengal & Ors..

ct.25, sl. 10  
sk

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

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

The petitioner is the intending operator in the route nos. 219,219/1. The petitioner desires to submit application for grant of permit as according to the petitioner, there have occurred eight vacancies as to 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 fleet strength, over the routes.

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 and/or notified 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 respondents would not be authorized to refuse receipt of applications for grant of permit, from a citizen. Accordingly, an application, if made, has to be accepted by the concerned respondent authority. However, the Court finds that unless and until the vacancy is declared on a particular route, by dint of publication of a notification, there would not be any scope for consideration and decision by the authorities, as regards the applications so submitted.

In such view of the provisions under the law, 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 and decision thereupon in accordance with law along with the similar other applications, received if any, upon publication of notice of vacancy as to the route nos. 219,219/1, and in a meeting convened thereafter to consider all applications pursuant to the said vacancy notification.

- iii) The decision of the meeting of the Board after the applications being considered in the process of grant of permit over the said routes, shall be communicated to the petitioner within a period of one week from the date of its meeting.

With the above observations and directions the writ petition being WPA 1310 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.)**