

09. 12.2025

Item No.108

Crt.No.10

b.r.

WPA 1161 of 2023

Tushar Kanti Hazra

VS.

The State of West Bengal & Ors.

Mr. N. I. Khan

Mr. Amlan Kumar Mukherjee

Mr. Dilip Kumar Mondal

.... For the petitioner.

Mr. Srijan Nayak

Ms. Rituparna Maitra

.... For the State.

Mr. Dilip Kumar Samanta

Mr. Biswapriya Samanta

Mr. Raktim Siddhanta

Ms. Tiya Singha Roy

Ms. Rima Halder

.... For the Res.no.8.

1. Heard the parties through their respective learned counsels.

2. The petitioner in the instant case is plying Permanent Stage Carriage service on the route from Burdwan to Rajnagar via Guskara, Vedia, Bolpur, Suri and the said permit remained valid till 22.01.2009 and the service on the basis of approved time table issued by the authority concerned.

3. Main grievance of the petitioner in the instant case is that a show cause notice was issued on 26.09.2022 for seeking an explanation for non-compliance of the decision of the Regional

Transport Authority (RTA) Board Purba Burdwan dated April 30, 2022.

4. In reply to the show cause the petitioner already filed a reply on 28.11.2022 before the authority concerned. In the meantime, the petitioner received a hearing notice to appear before the RTA Board on 03.12.2022

5. In pursuance of such a hearing was held on 03.12.2022. The RTA Board resolved the hearing, which is reproduced below:-

“The concerned permit holder was directed in the last RTA Board meeting to apply before the RTA, Birbhum for the existing route within 30 days from the date of communication of the minutes. It was also directed that the existing permit would be valid in force till the acceptance of his said application by the RTA, Birbhum. But from the letter No. 893/MV dated 22.09.2022 of the Secretary, RTA Birbhum, it appeared that he had no applied for the permit before the RTA, Birbhum and accordingly a letter for submission of explanation for not complying the direction of the RTA, Purba Medinipur was issued to the permit holder vide no.1548/MV/PBDN dated 26.09.2022 but no positive action had been taken by the alleged permit holder. Hence, after due hearing of the permit holder and the

complainant and considering all the aspects, it is decided that the permit is hereby cancelled as per provision laid down in sec.86 read with sec.69 of the NV Act, 1988. A copy of the minutes will be shared with the RTA, Birbhum for information and taking necessary action.”

6. The State-respondents submits that the issue involved in the instant petition needs to be resolved by the RTA Board upon giving the hearing to all the parties. The competence of the jurisdictional authority for renewing of permits is purely based on the maximum length of the route which falls within the domain of the authority concerned.

7. The private respondent vehemently opposes such submissions and draws the attention of the Court to the various clauses of Paragraph-4 pleaded in the affidavit in opposition affirmed on April 27, 2023.

8. The main contention the private respondent is that as per the notification issued for grant of temporary permit for the route in question has not been annexed to the writ petition.

8. Secondly it has been submitted that to grant permanent stage carriage permit in favour of the

writ petitioner was not in consonance with law by relying upon the first proviso to Section 69 of the Motor Vehicles Act, 1988, which is reproduced below:-

“Provided that if it is proposed to use the vehicle or vehicles in two or more regions lying within the same State, the application shall be made to the regional Transport Authority of the region in which the major portion of the proposed route or area lies, and in case the portion of the proposed route or area in each of the regions is approximately equal, to the Regional Transport Authority of the region in which it is proposed to keep the vehicle or vehicles.”

8. Since the major portion of the route in question lies within the jurisdiction of the Regional Transport Authority, Birbhum therefore Regional Transport Authority, Purba Burdwan has no jurisdiction to issue any notification for the grant of permit for the route in question.

9. After careful consideration of the parties I am of the considered view that since the impugned order dated 03.12.2022 has been passed by not considering the reply to the show cause notice dated 26.09.2022, is hereby set aside and quashed.

10. I direct the respondent no.2-Regional Transport Authority, Purba Burdwan to revisit the issue by considering the reply dated 28.11.2022 by passing a reasoned order in accordance with law upon affording opportunity of hearing to the concerned parties including the private respondent within a period of sixty days and communicate the same preferably within a week thereafter.

11. With the above observations and directions, the writ petition stands disposed of without expressing any opinion on the merits of the case.

15. There will be no order as to costs.

16. Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Smita Das De, J.)