

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Rai Chattopadhyay

WPA 2526 of 2025

Ashutosh Das
VS
The State of West Bengal & Ors.

For the Petitioner : Mr. N.I. Khan,
: Mr. Amlan Kumar Mukherjee.

For the State : Mr. Pantu Deb Roy, Id. A.G.P.,
: Mr. Pannalal Bandopadhyay.

Heard on : 07/02/2025

Judgment on : 07/02/2025

Rai Chattopadhyay, J. :-

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner has challenged the resolution of the Board, Regional Transport Authority, Kolkata Region dated June 27, 2024.
3. The petitioner is an applicant to seek grant of permit in route No. 212/212A, who has submitted his application along with the statutory fees, on August 24, 2023.
4. Later on, the petitioner has been directed to appear before the Board along with all requisite documents, which the petitioner submitted before the Board while appearing personally before it. Finally, a resolution dated June 27, 2024, was passed as regards grant of permit to the petitioner in response to his

application dated August 24, 2023, by dint of the impugned resolution as mentioned above.

5. Mr. N.I. Khan, learned counsel for the petitioner has raised objection as to the said resolution on the ground that the decision of the authority is bereft of any reason whatsoever. He would say that unreasoned decision/order of the authority could not be tenable in the eye of law.
6. He seeks that the resolution/decision of the respondent Board dated June 27, 2024 be set aside.
7. Mr. Pantu Deb Roy, learned Additional Government Pleader is representing the State.
8. On perusal of the record, it appears that in the impugned resolution dated June 27, 2024, the application of the petitioner dated August 24, 2023 for grant of permit in route no. 212/212A has been rejected, for the reason “no vacancy, rejected”.
9. Not only in an order of the Court or a quasi-judicial body, but even in administrative orders, recording of reasoned opinions in favour of the orders passed by the authorities is sine qua non for a proper and justifiable administrative order. The Supreme Court has in ***State of Rajasthan -vs- Rohitas and others*** reported in **(2008) 15 SCC 491** has ruled that order disposing of an application necessarily requires recording of reasons in support of the conclusions arrived at in the order irrespective of whether such an order is passed in exercise of judicial or administrative powers vested in the Court or the authority. Decisions of the Supreme Court may also be referred to, that is, (i) ***Union of India -vs- Ibrahim Uddin*** reported in **(2012) 8 SCC 148 and** (ii) ***Raj Kishore Jha -vs- State of Bihar and Ors*** reported in **(2003) 11 SCC 519** where the Court has held that reasons in support of the conclusion arrived at by the Court or authority in the order can be equated to heartbeats of every conclusion and without the same it becomes lifeless.

- 10.** Therefore, an order must ex-facie disclose the reasons in support of it. Compulsion of disclosure guarantees consideration. Failure to give reasons amounts to denial of justice. The condition to give reasons introduces clarity and excludes, or at least, minimizes abuse of power and arbitrariness and its possibilities.
- 11.** There would not be any doubt regarding the law settled in this regard that an order of the statutory authority should contain reasons as those would be the heartbeat of the order and unreasoned order would not be tenable in the eye of law being arbitrary.
- 12.** Therefore, the cryptic one word order of the respondent Board vide the impugned resolution dated June 27, 2024 as mentioned above, with respect to the application of the writ petitioner for grant of permit, in Serial No. 48 shall not be maintainable in the eye of law being bereft of any reason therefor. The same shall be liable to be set aside.
- 13.** For the reasons as above, the Court finds it proper to dispose of this writ petition by setting aside the resolution dated June 27, 2024 so far as the Serial No. 48 is concerned.
- 14.** Let the respondent Board take up the petitioner's application for grant of permit dated August 24, 2023 for consideration afresh and decide thereupon by dint of an order, which must be a reasoned order, including disclosure as regards the fleet strength on route no. 212/212A, the number of permits already issued and vacant positions remaining, if any.
- 15.** Let the respondent no. 2 consider the same by granting an opportunity of hearing to the petitioner and by dint of a reasoned order within a period of six weeks from the date of communication of copy of this order. Its decision shall be informed to the petitioner, within one week from its date.
- 16.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.

- 17.** With the above observations and directions, the writ petition being WPA 2526 of 2025 is disposed of, along with the pending applications, if any.
- 18.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)