

Item No.23
19.3.25

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side.**

WPA 4867 of 2025

**Pradip Kumar Jaiswal
Vs.
The State of West Bengal & Ors.**

Mr. Bhaskar Nandi* *For the Petitioner.

***Mr. Amal Kumar Sen*
Mr. Jaladhi Das ... *For the State Respondents.***

The petitioner is an intending operator on the route No. 234 and 234/1, whose application for issuance of permit has been accepted and granted by the Board, Regional Transport Authority, Kolkata in its meeting dated October 1, 2024.

On November 12, 2024 the petitioner has been issued an offer letter. After issuance of the offer letter, the petitioner has purchased a vehicle and registered the same as stage carriage, in his name, on January 8, 2025. But since thereafter due to non-issuance of permit to the petitioner as yet the petitioner has not been able to ply his vehicle.

Mr. Nandi, learned counsel appearing for the petitioner has contended that the petitioner has suffered immense prejudice due to the in-action of the respondent authority in issuance of permit in

favour of his client, in spite of allowing his application by the respondent Board. The petitioner is prejudiced that huge monthly installments are being paid by him without any yield from plying the vehicle he has purchased, as a stage carriage, on the permitted route. He has further informed the court that the petitioner has the garage permission for keeping his vehicle in a safe condition in a garage. It is further submitted that the requisite statutory fees for issuance of permit including the tax for such purpose has already been submitted by the petitioner with the authorities. A representation of the petitioner dated **January 27, 2025** is now pending before the said respondent authorities without having been considered as yet.

Hence the petitioner has prayed for necessary order to be passed in the present case.

The State respondent has raised strong objection as to the contentions and prayer of the petitioner in the present case, the respondent has to some extent relied on this court's earlier order dated March 3, 2025 in WPA No.10057 of 2024.

Mr. **Amal Kumar Sen** appearing for the respondent has submitted that in the said case, this court has directed for stoppage of issuance of any permit over the route in question till the issue of inadequate parking space is solved by the

authorities, after granting opportunity of the petitioners there.

Mr. Amal Kumar Sen submitted further that on the route there are issues relating to scarcity of adequate parking space for which the issuance of permit to all the applicants on the route shall not be feasible at this moment.

Heard the submissions and considered the records, it appears that the petitioner's application has been allowed for issuance of permit by dint of the resolution of the Board of RTA, Kolkata dated October 1, 2024. The petitioner has thereafter taken all the follow up actions including purchase of a vehicle and submission of fees and taxes with the department. Now there would not be any impediment under the law for the department to issue permit to the petitioner. However, according to the State respondent there are factors for which the same is not being able to issue the permit, in spite of issuance of offer letter to the petitioner, ie. the scarcity of parking space on the route.

This matter has been considered by this court in the judgement dated March 3, 2025 in WPA 10057 of 2024. The court has directed the respondent authority to solve the issue regarding scarcity of parking space. There has been a time stipulated for the authorities to do the same as

directed in the said order. Till then the court has directed not to issue permit any further over the said route. Those directions being in vogue, the court finds it proper to dispose of the present writ petition with the following directions:

- i. Let the respondent RTA, Kolkata decide over the petitioner's representation dated January 27, 2025, within a period of four weeks from the date of communication of copy of this order;
- ii. The authority having already decided to issue permit to the petitioner and the direction of the court in the order dated March 3, 2025 being temporary in nature, the court finds there would not be any legal impediment for the said respondent authority to issue permit to the present petitioner unless otherwise restrained by any justifiable or lawful reason;
- iii. Therefore, let the said respondent grant a reasonable opportunity of hearing to the writ petitioner, with respect to his representation dated January 27, 2025 and decide upon his representation as above by issuance of permit, if not the same is liable to be withheld for any sufficient, justifiable and lawful reason. Otherwise, a reasoned order shall be passed and communicated to the

petitioner, within one week from its date.

- iv. The entire exercise as above shall be concluded within a period of three weeks from the date of communication of this order.

The writ petition being WPA 4867 of 2025 is thus disposed of.

Since, no affidavit has been called for, allegations made in the writ petition, shall be deemed to have not been admitted by the respondents.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties, on compliance of all necessary formalities.

(Rai Chattopadhyay, J.)