

Item No.
34
19.3.25

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

WPA 5476 of 2025

**Mohan Jha
Vs.
The State of West Bengal and Ors.**

Mr. Barun Kumar Samanta For the Petitioner.

***Mr. Pantu Deb Roy
Mr. S. Guha Biswas For the State Respondent.***

1. 1.The petitioners desire to file application for issuance of permit for stage carriage, on route Nos. 212 and 212A.

2.According to the petitioner due to non-plying of ten vehicles on the said route, equivalent number of vacancies have been created in the fleet strength over there.

3.The petitioner is aggrieved that the respondent authorities have not accepted the petitioner's applications seeking issuance of permit.

4.Mr. Samanta, learned counsel appearing for the petitioner has contended that in terms of the statutory provision, the respondent competent authority is obliged to accept the application for issuance of permit by a citizen and decide thereupon in accordance with law.

5.Mr. Pantu Deb Roy appears for the State respondent in the case.

6.The State has denied the claim of the petitioner that any application for issuance of permit has been tendered at all before the respondent authority.

7.The court finds that in terms of the provision, particularly, that under Section 80 of the Motor Vehicles Act, 1988 there would not be any qualifying clause as regards time of submission of an application for a person to submit an application for issuance of permit.

8.In such views of the fact, it is found that the application of the petitioner for issuance of permit is eligible for being accepted by the said respondent authority, in accordance with law.

9.Therefore, it is found proper to dispose of the writ petition by directing the respondent no. 3 to accept the petitioner's application, if any, for issuance of permit in appropriate statutory format, along with the requisite statutory fees.

10.Needless is to say that the said respondent shall be at liberty to deal with such application of the petitioner, if any, in accordance with law.

11. Let the respondent no. 2 consider and dispose of the said application of the petitioner, if

submitted, within a period of eight weeks from the date of submission of the application and pass a reasoned order thereupon, if not the same is immediately granted by the said respondent. For this, the petitioner shall be granted a reasonable opportunity of hearing, by the said respondent.

12. With the direction as above, the present writ petition being WPA 5476 of 2025 is disposed of.

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

14. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)