

28
26.03.2025
Court No. 25
D.Hira

WPA 5917 of 2025

Swapan Kumar Banerjee

Vs.

The State of West Bengal & Ors.

Mr. Barun Kumar Samanta.

... for the petitioner

Mr. Subrata Guha Biswas,

Mr. Debansu Nandi.

... for the State

1. The petitioner is an intended applicant for issuance of permit over route No. DN-18, which carries a fleet strength of '60'.
2. His allegation is that the respondent authority is not desirous to accept his application for issuance of permit over the route.
3. Mr. Samanta, learned counsel appearing for the petitioner has stated that only 18 operators are presently operating over the said route as against '60' vacant positions. Hence, there is no impediment, according to him, for the respondent to issue permit as against these vacant positions.
4. Hence, necessary order is prayed for by the petitioner in the present case.
5. State is represented. Though no report is filed in this case, the contentions of the report filed in the other case, are relied on.
6. The Court finds that any permit issued beyond the fleet strength on a route is an invalid permit and a *non est* in the eye of law.

- 7.** The Court further finds that as per the provisions under Section 80 of the Motor Vehicles Act, 1988, there would not be any embargo for an intending operator to submit the application for issuance of permit and the respondent authority is duty bound under the law to accept the same.
- 8.** Upon consideration as above, the Court finds it proper to dispose of the present writ petition thereby directing the respondent no. 2 to immediately accept the application for issuance of permit as filed by the petitioner along with the prescribed fees.
- 9.** Let the respondent no. 2 consider and dispose of the same, by dint of a reasoned decision, after affording opportunity of hearing to the petitioner and duly disclosing in its order about the number of permits issued on the route with the relevant detailed information connected with the same, if not the prayer of the petitioner is immediately allowed by the said authority.
- 10.** In that case, its order shall be communicated to the petitioner within one week.
- 11.** The exercise as above shall be concluded by the respondent no. 2 within a period of four weeks from the date of communication of copy of this order.
- 12.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.

- 13.** With the above observations and directions, the writ petition being No WPA 5917 of 2025 is disposed of, along with the pending applications, if any.
- 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.)