

28.04.2025.

PB

Sl. No.42.

Ct. No.25.

WPA 6422 of 2025

Ramkrishna Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Sattwik Bhattacharyya,
Mr. Aashutosh Bhattacharyya,
Mr. Tital Niyogi,
Mr. Aritra Roy.

... For the Petitioner.

Ms. Aishwarya Rajyashree.

... For the State of Jharkhand.

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas.

... For the State.

The petitioner is the intending operator on the inter-state route Kuilapal to Tata via Bandoyan, Katin and Patamda (66 kms.).

He has made an application for issuance of permit on the said inter-state route dated November 26, 2024. Due to the alleged non-consideration of the said permit, the writ petitioner has submitted a written representation addressed to the STA, West Bengal dated November 26, 2024. Allegedly also, the same has not yet been considered by the respondent authority.

Mr. Bhattacharyya, learned advocate for the petitioner has submitted that the inter-state route falls within the jurisdiction of the two reciprocating States, that is, Jharkhand and West Bengal. The operator

from Jharkhand has duly obtained permit from the permit issuing State Jharkhand and the counter-signature of the reciprocating State West Bengal on the said route. He has further submitted that counter-signature to the operator from Jharkhand, on the said route, has even been renewed by reciprocating State West Bengal.

According to the petitioner, in that event by denying grant of permit to the petitioner on the said route, the STA, West Bengal has not only exercised discrimination, but also acted illegally. It is submitted that the route is in existence and operation so far as the operator from the Jharkhand is concerned, to which the STA, West Bengal has granted its consent vide counter-signature. Therefore, there would be no just and reasonable ground for the said STA, West Bengal to deny the petitioner's prayer for issuance of permit over the said route from West Bengal.

An instruction of the Secretary, STA, West Bengal dated April 23, 2025, is submitted in Court. Let that be taken on record.

Mr. Deb Roy, learned advocate is representing the State respondent. He informs that the Reciprocating Transport Agreement dated March 29, 2004, which binds the two Reciprocating States, so far as the route is concerned, does not prescribe the route from Kuilapal to Tata via Bandoyan, Katin and Patamda. That it has not been enlisted in the schedule

of that agreement. Hence, according to Mr. Deb Roy, the STA, West Bengal shall not be eligible for issuance of permit for a route which is not incorporated in the Reciprocating Transport Agreement, which covers both the States.

In response to such submission on behalf of the State respondent, learned advocate for the petitioner has submitted that so far as the Reciprocating Transport Agreement before bifurcation of the State of Bihar into Bihar and Jharkhand is concerned, the above route was incorporated in that previous Reciprocating Transport Agreement. Thereafter, the 2004 agreement has come into being, in which possibly inadvertently the said route has not been incorporated.

It is further stated that irrespective of the route having found place in the Reciprocating Transport Agreement or not, it is by the conduct of the STA, West Bengal, evidently the route exists and the operator from Jharkand has been granted permit/counter-signature to operate on the said route.

In such circumstances, the petitioner urges that the present writ petition may be allowed by directing the STA, West Bengal to issue permit to him on the said inter-state route.

Having heard both the learned advocates for the parties and having perused the materials on record, it appears that in spite of accepting that the route from

Kuilapal to Tata via Bandoyan, Katin and Patamda not being the part of the Reciprocating Transport Agreement dated March 23, 2004, entered into between the two States, Jharkhand and West Bengal, the Jharkhand authority has issued permit over the said route, which has been duly counter-signed by the reciprocating authority in West Bengal hence, thereby allowing the operator to ply his vehicle under authority of the duly issued and counter-signed permit. Therefore, in spite of there being no route mentioned in the Reciprocating Transport Agreement, by the conduct of the respective STA, West Bengal, the said route has been accepted to be in existence for the other operator. In such circumstances, the petitioner, who is on the similar footing alike the other operator from the State of Jharkhand cannot be discriminated on the ground of the route not being incorporated in the agreement itself.

Upon such finding, it is found proper to direct the STA, West Bengal to consider the petitioner's prayer vide his representation dated November 26, 2024, and the application for issuance of permit in prescribed Form-I dated November 26, 2024, and decide thereupon.

Let the said respondent take up the issue of mutual concern, with the Reciprocating State Jharkhand, if it is so found fit and proper for the

purpose of proper disposal of the petitioner's prayer as above.

The entire exercise as above, be concluded, within a period of eight weeks from the date of communication of copy of this order.

The STA Board/respondent no.2 is directed to afford opportunity of hearing to the writ petitioner while considering his prayer as above and pass a reasoned order as to the prayer of the writ petitioner as above, if not, his prayer for issuance of permit on the said inter-state route is immediately allowed by the said respondent.

In that case, let its reasoned order be communicated to the writ petitioner, within a period of one month from its date.

The writ petition is disposed of.

Since no affidavit is called for in this case, the allegations made in the writ petition, are deemed to have been denied by the respondents.

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

(Rai Chattopadhyay, J.)