

02.04.2025.

PB

Sl. No.14.

Ct. No.25.

WPA 6664 of 2025

Biswanath Dey

Vs.

The State of West Bengal & Ors.

Mr. Bhaskar Nandi.

... For the Petitioner.

Mr. Anand Farmania,

Mr. Alok Banerjee.

.....For the State.

In the notified Route No.11, from “Belurmatah to Esplanade”, the petitioner has applied as against the two vacancies, which he says has arisen due to de-registration of the vehicles of two existing operators, for the reason of those having crossed the prescribed age limit to run on route, as per the permit conditions.

Mr. Nandi, learned advocate for the petitioner has submitted that amongst the two vehicle owners, one has already died.

In such circumstances, he says that the petitioner has applied before the authority by filing his application in statutory Form-I, along with the statutory requisite fees for issuance of permit in his favour.

The petitioner is aggrieved by the alleged inaction of the respondent authority in considering his application as above, dated September 5, 2024.

In this regard, several representations including demand justice notice has been sent by the petitioner/his learned advocate to the respondent authority, the first of which is dated October 4, 2024.

The petitioner by filing the instant writ petition, has sought for a direction that pursuant to his application as above, permit may be issued to him on Route No.11, as against the positions which stood vacant due to the operators not plying their overaged vehicles and/or a direction be issued upon the respondent authority to consider his representation as above.

The State is represented by learned advocate Mr. Farmania.

He has submitted a report in Court today. According to the said report and submissions made on behalf of the State respondent, one of the operators whose vehicle has been de-registered, has expressed his willingness to resume his service by replacing the vehicle. It has further been submitted that the RTA Board in the meeting dated December 27, 2024, has permitted for replacement of vehicle and renewal of permit of the said existing operator upon realization of requisite fees and penalty.

An order of the Chairman of the RTA, Howrah, dated November 25, 2024, is relied on by the State respondent in this regard. However, the State is unable to produce any sufficient document to show further development consequent upon the permission granted to the operator for replacement of the vehicle, as per willingness shown by the said operator. Hence, the operator, who has been permitted to replace his vehicle, but does not replace it any further, cannot be instrumental for inaction of the respondent in case of the petitioner, who, as a matter of fact, has the statutory right, to have his application for issuance of permit duly considered by the said competent authority.

In such circumstances, the Court finds it proper to direct the respondent no.2 to consider the petitioner's application in statutory Form-1 dated September 5, 2024, and his representation dated October 4, 2024, after affording reasonable opportunity of hearing to him. The application as above of the writ petitioner, shall be disposed of by the said respondent, within a period of four weeks from the date of communication of copy of this order and by dint of a reasoned order, if not, the prayer of the petitioner is immediately granted by the said authority.

In doing so, the authority may afford opportunity of hearing to any other person/s too, as he may think fit and proper.

With the directions as above, 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.)