

07.05.2025.

PB

Sl. No.31.

Ct. No.25.

WPA 7345 of 2025

Sujauddin Molla & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Sujan Roy.

... For the Petitioners.

Mr. Amal Kumar Sen,

Mr. Lal Mohan Basu.

.....For the State.

1. Affidavit-of-service filed in Court today is taken on record.

2. The four petitioners have unanimously complained about the inaction of the respondent no. 4/the Secretary, Regional Transport Authority, South 24 Parganas in accepting their application in statutory Form II, for issuance of permit on the route (Zinzira Bazar to Bener Dokan), along with the requisite statutory fees.

3. Mr. Roy, learned counsel appearing for the petitioners has submitted that such inaction by the respondent no. 4 is *de hors* the law as well as in violation of the standing order of the Secretary Transport Department, Government of West Bengal dated March 30, 2012.

4. He says that in terms of the law as well as the standing order as above, an application by a citizen for issuance of permit cannot be rejected to be accepted by the respondent authority.

5. Mr. Deb Roy, learned Additional Government Pleader is representing the State being assisted by Mr. Subrata Guha Biswas, learned counsel.

6. Having heard the learned counsels for the parties, this Court finds that an intending operator is not bound by any rules or law as regards the time of filing an application for issuance of permit. Section 80 of the Motor Vehicles Act, 1980, is worth noting in this regard.

7. In terms of the law as above, the Secretary, Transport Department, Government of West Bengal has issued an order dated March 30, 2012, thereby directing the respective Regional Transport Authorities in the State to compulsorily receive all applications, unless there is any prohibition as regards the same under any prevailing law.

8. On consideration as above, the Court finds that there should not be any impediment for the said respondent authority to accept the applications filed by the petitioners for issuance of permit along with the necessary statutory fees.

9. Hence, it is directed that the respondent no. 4 shall accept the application in statutory form II as

submitted by the petitioners along with the requisite statutory fees, for issuance of permit.

10. Let it be mentioned that the said applications along with the necessary statutory fees as received in office of the respondent no. 4 shall be considered at the relevant point of time along with other similar applications as the Authority thinks fit and proper to consider for issuance of permit, on the said route, in accordance with law and after giving adequate and reasonable opportunity of hearing to the present petitioners.

11. The decision of the said respondent authority shall be communicated to the petitioners within one week from the date of its 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 7345 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.)