

26
19.05.2025
Court No. **25**
D.Hira

WPA 7891 of 2025

Krishna Gopal Sahu
Vs.
State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee,
Sk. Samim Akhter.
... for the petitioner

Ms. Aisgwarya Rajyashree.
... for the respondent
Nos. 5 & 6

Mr. Amal Kumar Sen, Id. A.G.P.,
Mr. Lal Mohan Basu.
... for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner is an inter-regional operator operating from Dhumsai to Chandrakona Road.
3. He is aggrieved that the private respondent, who is the inter-state operator and plies his vehicle in terms of the Reciprocal Transport Agreement between the States of Jharkhand and West Bengal, has flouted the permit condition by terminating his vehicle at Kharagpur instead of Digha, though his permit allows him to terminate his vehicle at Digha.
4. A letter of objection has been filed by the petitioner before the State Authority of West Bengal and received by the respondent authority on January 28, 2025.
5. Mr. Mukherjee, learned advocate appearing for the petitioner has submitted that the State of West Bengal is the counter-singing authority for the private respondent.

6. It is also submitted that the permit condition has been violated by the private respondent within the periphery of State of West Bengal and that both the points Digha and Kharagpur falls within periphery of the State of West Bengal.
7. In such circumstances, he says that an inspection is required to be conducted by the reciprocating authority of the private respondent which is, STA, West Bengal and necessary steps for cancellation/revocation of the counter-signature may be taken by the State Authority, in terms of Section 88(4) of the Motor Vehicles Act, 1988, due to violation of permit conditions by the said respondent.
8. Mr. Sen, has raised objection as to the contentions and prayer of the petitioner for the reason that the State of West Bengal being the reciprocating Authority in terms of the Reciprocal Transport Agreement between the two States, is only empowered for counter-signing the permit of the private respondent which has been originally granted by the State of Jharkhand.
9. In such circumstances, according to Mr. Sen, there would not be any scope for the transport authority at West Bengal to cancel or rescined the permit of the private respondent even if it is found that any violation of the permit condition is being made by the said private respondent.
10. Heard both the learned advocates for the parties and perused the records. It appears that the petitioner has alleged about gross illegality being

committed by the private respondent in plying his vehicle through the inter-state route, as allegedly the private respondent has violated the condition of such permit, the route alignment and the terminating point.

- 11.** Allegedly, that the private respondent instead of terminating his vehicle at Digha, does that at Kharagpur, though the route permitted to the private respondent is from Jamshedpur to Digha.
- 12.** It appears that the terminating point of the private respondent as per the permit condition is Digha which falls within the jurisdiction of the State Transport Authority, West Bengal.
- 13.** Similarly, the point where the private respondent is allegedly terminating his vehicle that is, Kharagpur also falls within jurisdiction of the State of West Bengal.
- 14.** Therefore, the Transport Authority at West Bengal which is the counter-signing authority for the said respondent, shall be empowered as per provision under Section 88(4) of the Motor Vehicles Act, 1988 to revoke or suspend counter-signature of permit of the private respondent, if any illegality as alleged and mentioned above, is found to have been committed by him while plying his vehicle.
- 15.** The statutory power as above of the transport authority at State of West Bengal imbibes into itself its power to recommend for necessary action to be taken by the permit issuing State against the private

respondent upon finding violation of the permit condition by him, as per law.

- 16.** In view of the fact as above, the Court is inclined to dispose of this writ petition by directing the respondent no. 3/the Secretary State Transport Authority, West Bengal to take up the application by the petitioner as received in office on January 28, 2025 and decide thereupon after causing an inspection as regards the alleged violation of the permit condition by the private respondent.
- 17.** It is further directed that in case, upon inspection the respondent as above, finds the allegation of the petitioner to be substantive, it should thereafter, recommend before the State Transport Authority, Jharkhand for taking necessary action against the private respondent for violation of the permit condition in accordance with law.
- 18.** It is directed further that in the process the respondent no. 3 shall afford opportunity of hearing to the petitioner as well as private respondent and pass a reasoned order.
- 19.** The entire exercise as above should be concluded by the said respondent within a period of four weeks from the date of communication of copy of this order.
- 20.** With the above observations and directions, the writ petition being No WPA 7891 of 2025 is disposed of, along with the pending applications, if any.
- 21.** Since no affidavit has been called for, allegations made in the writ petition, shall be deemed not to have been admitted by the respondents.

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

(Rai Chattopadhyay, J.)