

21.05.2025.
PB
Sl. No.36.
Ct. No.25.

WPA 8135 of 2025

Soumya Das
Vs.
The State of West Bengal & Ors.

Mr. Barun Kr. Samanta.
.... For the petitioner.

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas.
....For the State.

The petitioner seeks issuance of permit for him in the vacancy, which according to the petitioner, has arisen due to non-renewal of the earlier permit with respect to vehicle No.WB-31/5286. The permit with respect to vehicle No.WB-31/5286 has expired on 11th June, 2018.

The petitioner has sought intervention of this Court earlier, vide writ petition number WPA 22356 of 2024. Vide order dated 23rd September, 2024, passed in the same, the respondent authority was directed to consider the petitioner's prayer for issuance of fresh permit in the place of the earlier one, validity of which has expired.

A meeting was held by the Board, STA, on 12th December, 2024. In Agenda No.58 therein, the Board has recorded that after expiry of the permit as above

on 11th June, 2018, the permit holder has applied for renewal thereof on 28th May, 2018 and 9th June, 2023, respectively. It is recorded further that since then, the permit of the said person could not be renewed as the incumbent could not produce a lawfully owned vehicle, within the stipulated period of time. The decision of the Board in the said resolution has been that the Secretary, STA, is to check whether there is any vacancy and to place his opinion in that regard in the next Board meeting.

Mr. Samanta, learned advocate appearing for the petitioner has submitted that since thereafter there have been Board meetings held for more than once, but the prayer of the petitioner regarding issuance of permit has not been considered by the said Authority. He has pointed out that the petitioner has written a letter containing his grievance and prayer in this regard, that is, dated 21st January, 2025, which is not also not disposed of by the said Authority, as yet.

Mr. Deb Roy submits that the application for renewal of permit by the permit holder, whose permit has expired on 11th June, 2018, was filed later on 28th May, 2018, as well as 9th June, 2023, though the respondent Authority as well as Mr. Deb Roy, who is representing the said respondent has conceded to the fact that the previous permit holder has not been granted renewal of permit due to his failure to produce lawfully owned vehicle.

In such circumstances, the Court finds that a direction upon the Secretary to check the vacancy position and place his opinion has not yet been complied with by the said respondent. The Court is further of the opinion that the decision of the Board dated 12th December, 2024, vide Agenda No.58 has an effect to keep the matter pending for indefinite period, which cannot be allowed.

It is noticed that the previous holder has sought to review his permit, firstly within the validity period thereof, as per statute. But since thereafter he has never been proactive any further in this matter. Later, he has again applied after about five years in 2023, though without owning any vehicle. It is apparent that even after expiry of more than one year since then, the respondent has not yet been able to ascertain, if the said position is now vacant or not. The respondent is expected to act reasonably and in a transparent manner which can only be maintained by dint of expeditious steps being taken, in accordance with law.

In such circumstances, the Court is inclined to dispose of the instant writ petition by directing the respondent no.2 to immediately decide if a vacancy exists due to expiry of the earlier permit on 11th June, 2018. In that event and on the finding as above, the said respondent is further directed to consider petitioner's application and representation dated 25th March, 2023 and 21st January, 2025, respectively.

The entire exercise should be positively concluded, within a period of four weeks from the date of communication of copy of this order and if necessary after affording of hearing to the writ petitioner. Its decision should be communicated to the writ petitioner, within one week thereafter.

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.)