

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Ct.551 **13.06.25**
Item No.10 Sws.M

WPA 11532 of 2025

**Kanai Lal Das Mazumdar
Vs
The State of West Bengal & Ors.**

Mr. Arabinda Chatterjee
Ms. Prisanka Ganguly
...for the petitioner

Mr. Amal Kumar Sen, Ld. AGP
Ms. Ashima Das (Sil)
...for the State

1. Affidavit of service filed today be kept with the record.
2. The petitioner is aggrieved by an order dated May 13, 2025 stated to have been passed by the State Transport Authority, in compliance with an order dated January 8, 2025 passed by a Co-ordinate Bench of this Court in WPA 30917 of 2024. By the said order a penalty of Rs.4,00,000/- (Rupees Four Lakh) has been imposed on the petitioner "in order to revoke the permanent permit cancellation proceeding" and it has been observed that failure to pay the same would lead to permanent cancellation of the petitioner's permit.
3. The case run by the petitioner in the writ petition may be noticed first:
 - (a) It is the petitioner's case that the petitioner had been plying his vehicle bearing Registration No.

WB 57A/2525 on the Inter State route from Kolkata (Hastings) to Barbil via Vidyasagar setu, NH 06, Kolaghat, Kharagpur, Jamsola, Karanjia, Ladhasuli, Gopi Ballavpur, Hati Bari. The said permit was initially valid up to March 13, 2014. It was renewed from time to time and its validity was ultimately/lastly extended till March 13, 2029 with effect from March 14, 2024. In the renewed permit that was made effective from March 14, 2024 and which was to remain valid till March 13, 2029 as aforesaid, the route on which the petitioner's vehicle was to ply was mentioned as "KCBT at Santragachi to Barbil via Jamsola, Karanjia"

- (b) It is the petitioner's case that the route of the petitioner's vehicle was mentioned as "KCBT at Santragachi to Barbil" instead of "Kolkata (Hastings) to Barbil" in terms of a judgment of the Hon'ble Supreme Court in the case of *(State of West Bengal vs. Howrah Ganatantrik Nagarik Samity & Ors.) Civil Appeal No. 7785 of 2011 (Arising out of S.L.P. (C) No. 9154 of 2008)*,
- (c) It is the petitioner's further case that in terms of the aforesaid judgment of the Hon'ble Supreme Court, a meeting was held between the permit holders of the Inter State routes between West Bengal and Bihar, Jharkhand, Orisha and the

representatives of the Workers Unions in connection with shifting of buses from Babughat and Esplanade to Kolkata Central Bus Terminus (KCBT) at Santragachi, whereby, *inter alia*, the following decisions were arrived at pending full scale shifting of the terminal:

- “ 1. *The inter-State buses, while coming to Kolkata from the West may directly arrive at Babughat or Esplanade and after de-boarding the passengers may go to KCBT at Santragachi or their respective garages away from Babughat or Esplanade.*
2. *All the buses plying on the inter-State routes between West Bengal and Odisha, Jharkhand and Bihar must arrive at Babughat or Esplanade by 8.00 am and depart between 6.00 pm and 10.00 pm. No inter-State bus must be found parked at Babughat or Esplanade between 8.00 am and 6.00 p.m.*
3. *While undertaking the inter-State journey from Babughat or Esplanade towards to West, the buses will enter KCBT and stop there at least for 15 minutes in order to pick up tending passengers and in the process KCBT will evolve as an intermediate/alternative terminal with immediate effect.*
4. *The parking at KCBT would be free or any charges for the present.”*

(d) It is the petitioner’s further contention that the petitioner had been plying his vehicle strictly in terms of the decision taken in the aforesaid

meeting held on August 11, 2015 and that despite the petitioner abiding by the terms of the aforesaid decision, the petitioner's vehicle was intercepted on February 1, 2024 and a show-cause notice was issued asking him to explain as to why his permit should not be cancelled.

- (e) Upon the petitioner furnishing reply thereto and upon the petitioner being made to deposit a fine of Rs. 15,000/-, the petitioner was permitted to continue to ply his vehicle on the basis of permit that he had.
- (f) Subsequently by a letter bearing Memo No. 930/STA/SC dated December 5, 2024, the petitioner's permit was cancelled alleging that the petitioner's vehicle bearing Registration No. 19G9090 had violated the permit conditions for the second time and had again entered the restricted area.
- (g) The petitioner made a representation against such cancellation of permit on December 13, 2024 before the Secretary, State Transport Authority, West Bengal. The said representation was not considered by the respondent authorities wherefore the petitioner approached this Court by filing WPA 30917 of 2024. The said writ petition being WPA 30917 of 2024 was

ultimately disposed of by a Co-ordinate Bench of this Court by an order dated January 8, 2025 directing *inter alia*, as follows:

- “7. Let the respondent No. 4 consider the representation of the petitioner dated December 13, 2024, and the decision be taken thereupon after granting a reasonable opportunity of hearing to the petitioner.
8. Let a reasoned order be passed by the said respondent with regard to the representation as above, unless the petitioner’s prayer is allowed by the said authority.
9. The writ petition is, thus, disposed of.”

(h) In deference to such order, the State Transport Authority called for a hearing and ultimately passed the order dated May 13, 2025 observing as follows:

“.....therefore the members of the STA Board unanimously imposed a penalty under section 86(5) of the M.V. Act 1989, amounting to Rs.4,00,000 (Four lakhs Rupees only) to be paid by the petitioner in order to revoke the permanent permit cancellation proceedings, or else the permit will be cancelled permanently.”

It is the said order that has been impugned in the present writ petition.

4.Mr. Chatterjee, learned Senior advocate appearing for the petitioner takes this Court through the impugned order and submits that despite the petitioner having raised specific points, in his representation dated December 13, 2024, as regards the aspect that the petitioner had been

plying his vehicle strictly in terms of the resolution adopted on decision taken in the meeting held on August 11, 2015 and that the petitioner had not violated such resolution/decision, the State Transport Authority has passed the order impugned without dealing with such contention at all.

5. Mr. Chatterjee invites the attention of this Court to Paragraph 7 of the order dated January 8, 2025, passed by this Court in WPA 30917 of 2024 and submits that the authority was directed to take a decision on the petitioner's representation dated December 13, 2024 and therefore, the authority was obligated to deal with all the points that were mentioned in the petitioner's said representation dated December 13, 2024.
6. Mr. Chatterjee further submits that the order impugned dated May 13, 2025 passed by the State Transport Authority is wholly unreasoned and the same therefore deserves to be set aside.
7. Mr. Sen, learned Advocate appearing for the State-respondents at the threshold submits that the case run by the petitioner that the petitioner has been plying his vehicle strictly in terms of the decision/resolution dated August 11, 2015 is wholly irrelevant for the present purpose inasmuch the petitioner's vehicle was intercepted firstly had Gostopal Sarani, Maidan on January 31, 2024 and thereafter "Mewrol, Maidan, Kolkata" on October 21, 2024. Mr. Sen further points out that the permit of the

petitioner entitles the petitioner to ply his vehicle on the route mentioned as KCBT to Barbil via Jamsola and that on the strength thereof the petitioner could not have entered restricted areas. In support of his contention Mr. Sen has handed up to this Court a printout of the history of challans and submits that the places mentioned therein are the places of interception of the concerned vehicle. The aforesaid document is taken on record. A copy thereof has also been handed over to Mr. Chatterjee, learned senior advocate appearing for the petitioner. Mr. Sen submits that the writ petition lacks merit and should not be entertained at all.

8. Mr. Chatterjee, learned senior advocate appearing for the petitioner, contends in reply that the place mentioned in the aforesaid document handed up to the Court and relied on by Mr. Sen does not indicate the place of interception but it indicates the place where the payment in respect of the challan has been accepted.
9. Having heard the learned Advocates for the respective parties and having considered the material on record, this Court is of the view that at the present juncture this Court is not required to enter into the controversy as to the place where the vehicle has been intercepted inasmuch as the order impugned does not reveal the same.
10. In fact, this Court finds substance in the submission of Mr. Chatterjee, learned senior advocate appearing for the petitioner that the order impugned is grossly unreasoned.

11. By the order dated January 8, 2025, the respondent-State Transport Authority had been directed to pass a reasoned order on the representation of the petitioner made on December 13, 2024. The order dated May 13, 2025 passed by the State Transport Authority offers little or no reason in support of the conclusion as to why should the petitioner's permit be revoked/cancelled. The contentions voiced by petitioner in the representation dated December 13, 2024 have not at all been dealt with by the respondent State Authorities in the order impugned.
12. The only foundation of the impugned order passed by the State Transport Authority is that the petitioner has violated the order passed by the Hon'ble Division Bench of this Court on January 4, 2024 in WPA (P) 36 of 2023 and the permit conditions twice. In the considered view of the Court, the observation that the petitioner has violated the order dated January 4, 2024 passed by the Hon'ble Division bench and that the petitioner has violated the permit conditions are more in the nature of allegations than reasons.
13. The order dated January 4, 2024 passed by the Hon'ble Division Bench in WPA(P) 36 of 2023 directed the respondent authorities *"to immediately form a team to conduct a thorough check of all the vehicles plying in the area in question, namely vehicles plying through Kolkata Central Business District, Esplanade, Central Bus*

Terminus, Kolkata and the areas approaching for Howrah Bridge and all those vehicles should be checked for valid permits and if the permit is not available the vehicles should be detained and it should be verified as to whether the said persons had paid a fine earlier if the earlier fine had been paid and still they are violating their permit should be suspended after which show cause notice should be issued proposing cancellation of the permits issued to them.”

14. A meaningful reading of the said order would lead to the inescapable inference that the authorities were directed to take steps in consonance with settled principles of law relating to issuance of show cause, conduct of the inquiry etc. Passing an order without giving reasons in support of the conclusion can never be an act in terms of law.
15. It is now well settled that reasons are the live connectives between the narrative and directive. Solely on the ground that the order dated May 13, 2025 is wholly unreasoned the same is set aside.
16. The petitioner is thus restored to the position where the petitioner was at the time the petitioner moved WPA 30917 of 2024 before this Court.
17. The Board of the State Transport Authority, West Bengal, being the respondent No. 2 is directed to consider the petitioner's representation dated December 13, 2024 strictly in terms of the order dated January 8, 2025 passed by this Court in WPA 30917 of 2024 and pass a reasoned decision thereon, strictly in accordance with law,

upon giving an opportunity of hearing to the petitioner within a period of three weeks from the date of communication of this order.

18. Mr. Chatterjee, learned senior advocate appearing for the petitioner submits that the petitioner wishes to use a supplementary representation, with better particulars for the purpose of adjudication of the issue involved by the said State Transport Authority. The said State Transport Authority shall consider such supplementary representation along with the material documents only if the same are furnished by the petitioner by June 20, 2025.
19. It is needless to mention that the said State Transport Authority shall communicate the reasoned order to the petitioner within a week from passing thereof.
20. With the above observation, WPA 11532 of 2025 stands disposed of.
21. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Om Narayan Rai , J.)