

N.22S1

151/CL
19.06.25
Sl-29
Ct.551
(S.R.)

WPA 12601 of 2025

Sri Nikhil Dewri

v.

The State of West Bengal & Ors.

Mr. Sanat Kumar Roy ... for the petitioner.

Mr. Somnath Ganguli, Ld. AGP.

Ms. Kalpita Paulfor the State.

Affidavit of service filed today be taken on record.

The petitioner is aggrieved by non-renewal of his permit granted by the Regional Transport Authority, Purba Burdwan for plying his vehicle on the route Belkash to Purtabhavan via Uday Pally.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner had applied for renewal on June 3, 2025 i.e. within the validity period of the permit, which was to expire on June 6, 2025. It is submitted by Mr. Roy that although the application for renewal of the permit has been accepted by the authority but the fees therefor has not been accepted.

Mr. Ganguli, learned senior advocate appearing for the State respondents submits that the petitioner's permit could not be renewed in view of the petitioner's unwillingness to get the petitioner's route modified. Mr. Ganguli invites the attention of this Court to a notification dated June 31, 2014 and submits that in terms of the

said notification all buses plying through the Burdwan City were directed to operate from Nawabhat & Alisha Bus Stand and that, in such view of the matter, unless the petitioner wills to get the petitioner's route modified in terms of the notification renewal cannot be done. A copy of the instruction handed up to this Court by Mr. Ganguli, learned senior advocate appearing for the State is taken on record.

Mr. Ray in reply invites the attention of this Court to the same notification and submits that the same notification exempted transporters holding permits issued by the Burdwan Transport Authority from the scope of the said notification. He submits that the permit of the petitioner had been granted as far as back in the year 2006 by the Regional Transport Authority, Burdwan and as such, the said notification would not stand in the way of renewal of the petitioner's permit. It is further submitted that in any event, the question of modification of the route would only arise after the petitioner's permit is renewed. In such regard, he invites the attention of this Court to the provisions of Section 72(2)(xxii) of the Motor Vehicles Act, 1988.

Having heard the learned advocates appearing for the respective parties and having considered the material on record, this Court is of the view that the respondent Regional Transport Authority, Purba Burdwan could not have kept the petitioner's application for renewal in limbo

without taking any decision thereon. The respondent no.2 i.e. Regional Transport Authority, Purba Burdwan is directed to immediately take up the petitioner's application for renewal dated June 3, 2025 and decide the same by a reasoned order, strictly in accordance with law, upon giving an opportunity of hearing to the petitioner within a period of two weeks from the date of communication of this order.

It is needless to mention that the respondent Regional Transport Authority, Purba Burdwan shall communicate the reasoned order passed within the aforesaid time frame to the petitioner within a week from passing thereof.

Since, no direction for exchange of affidavits has been given, the allegations made in the writ petition will be deemed not to have been admitted.

With the above observations, WPA 12601 of 2025 stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)