

02.12.2025

Item No.15

Crt.No.10

b.r.

WPA 16451 of 2025

Nirmal Bali

-vs-

The State of West Bengal & Ors.

Mr. Baidurya Ghosal

.... For the petitioner.

Mr. Pantu Deb Roy, Ld. AGP

Mr. Pannalal Bandopadhyay

.... For the State.

Mr. Soumen Bhattacharjee

Mr. Ankan Das

Mr. Rounak Seal

..... for the Resp. no.4

1. Supplementary Affidavit filed in Court today, is taken on record.
2. Parties are heard through their respective learned counsels.
3. The petitioner prays, inter alia, for the following reliefs:
 - a) A writ in the nature of Mandamus commanding the respondent authorities including respondent no.4 to take steps to issue the permit in favour of the petitioner on the route in question taking reference of the grant made in favour of Sisir Kumar Ghosh on the self0same route in similar situation;
 - b) Further Writ of Mandamus commanding the respondents to take

decision towards granting permit in favour of the petitioner on the route in question pursuant to the hearing held on 12.2.2025 as no bar or impediment stands in the way of issuing such permit taking reference of the grant made in favour of Sisir Kumar Ghosh in similar circumstances;

- c) A Writ of Certiorari calling upon the respondents to produce or cause to be produced all records before this Hon'ble Court so that conscionable justice may be done by passing appropriate order upon perusal of the same;
- d) Rule in terms of prayer (a) to (c) above;
- e) Interim order of injunction restraining the respondents from withholding issuance of permit in favour of the petitioner on the route in question pursuant to the hearing held on 12.02.2025 taking reference of the other grant of permit made in favour of Sisir Kumar Ghosh over the self-same route in similar circumstances pending hearing of the application in the Hon'ble High Court, Calcutta;
- f) Ad interim order in terms of prayer (e) above;"

4. Main grievance of the petitioner is that already an application was made on 14.08.2024 for grant of permanent stage carriage permit on

the route Pancharul to Karunamoyee via Rajapur, Joynagar, Dasnagar, Howrah P.S. Vidyasagar Setu, Park Circus, Tapsia Bypass with deposit of requisite fees which were duly received by the office.

5. Such application was placed before the State Transport Authority (STA) Board on 21.08.2024 but the same was rejected on the ground of objection raised by the police authorities due to traffic congestion without affording an opportunity of hearing to the parties.
6. Being aggrieved, the petitioner filed a writ petition before this Hon'ble Court on the ground of objections made from the police authority due to the problem of traffic congestion.
7. The Co-ordinate Bench of this Co-ordinate Bench of this Court was pleased to dispose of the same by an order dated 16.12.2024 by setting aside the decision of the STA Board dated August 21, 2024 directing, inter alia, the STA, West Bengal to pass a reasoned order upon affording an opportunity of hearing to the concerned parties.
8. In compliance of the order dated 16.12.2024, a date of hearing was fixed on 12.02.2025 but the same was not concluded.

Moreover on 06.03.2025, the STA wrote a letter to the Regional Transport Authority, Howrah to express his views whether the route alignment for the route in question falls under the restricted zone or not.

9. In pursuance of the said order, the RTA, Howrah till date failed and/or neglected to express his views to the STA, Howrah for arriving at a logical conclusion with regard to grant of permit to the petitioner, such non-consideration of the application of the petitioner is the subject matter of challenge in the instant case.

10. The petitioner submits that despite there being an specific direction by the STA, Howrah to express the view whether the route alignment falls within the restricted zone or not, the RTA, Howrah is silent and the application remains to be pending for consideration. The STA also intimates the Deputy Commissioner of Police (Traffic) on 6.3.2025 to express his views regarding relating to the traffic congestion but the same also remained pending for consideration.

11. The petitioner submits that subsequent to the filing of the application dated 14.08.2024, further application have been made by other

vehicle owners including the petitioner on the self-same route which were considered and accordingly offer letter for grant of permanent stage carriage permit being (inter region permit) were issued on 24.9.2025, the same are evident from the annexed attached to the supplementary affidavit filed by the petitioner.

12. The petitioner also submits that RTA without assigning any reason is sitting tight over the issue without considering the earlier application for the same route in question on the contrary considered other applications made for approval, subsequent thereto.

13. The State respondents submits that he also could not give any specific explanation as to why RTA, Howrah has been sitting tight over the matter without considering the issue despite their being a specific direction from the STA West Bengal for compliance of the order of this Hon'ble Court.

14. Learned counsel appearing for the private respondent submits that he has been instructed that the private respondent neither applied for nor obtained any permit. It is also submitted that he had never authorised any third party to make

any application on his behalf before the authority for grant of permit. The instruction of the private respondent be kept on record.

15. Having heard the parties and I am of the considered view that the STA, West Bengal being the respondent no.2 herein shall consider the application of the petitioner dated 14.08.2024 with the assistance of the respondent nos. 5 and 6 to arrive at a logical stand with regard to the grant of permit on the route Pancharul to Karunamoyee via Rajapur, Joynagar, Dasnagar, Howrah P.S. Vidyasagar Setu, Park Circus, Tapsia Bypass within sixty days by passing a reasoned order in accordance with law upon affording an opportunity of hearing and communicate the said decision preferably within a week thereafter.

16. If the issues involved herein are found to be fit for granting the permanent stage carriage permit, the same shall be granted forthwith to the petitioner.

17. The writ petition being **WPA 16451 of 2025** stands **disposed of** without going into the merit of the writ petition.

18. However, it is made clear that the STA Board is directed to enquire as to why RTA, Howrah being the respondent no.5 and the Deputy Commissioner of Police (Traffic) Headquarters being the respondent no.6 sat tight over the issue by keeping the matter pending since 2024 without complying the direction of the STA, West Bengal dated 6.3.2025 in order to act in compliance of the order passed by the Coordinate Bench of this Court. The STA Board shall take appropriate steps against the delinquent officers in accordance with law.

19. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)