

WPA 21493 of 2024

Pradip Kumar Shaw

Vs.

The State of West Bengal & Ors.

**Mr. Srinjay Sengupta,
Mr. Saurav Roy,
Mr. Narattam Acharyya.**

... for the petitioner

**Mr. Amal Kumar Sen, Id. A.G.P.,
Mr. Lalmohankl Basu.**

... for the State

1. The writ petitioner has filed the present case, being aggrieved with the alleged inaction of the respondent State Transport Authority to renew his permit being No. P.St.P. 84/2008(I/R).
2. Mr. Srinjay Sengupta, learned counsel appearing for the petitioner submits that the permit of the petitioner as above has expired in the year 2018.
3. He says that in 2018 itself, the petitioner has submitted his application for renewal thereof, that is, on April 12, 2018 as against the Vehicle No. WB31/3022.
4. The requisite statutory fees have also been submitted simultaneously by the petitioner.
5. Allegedly, the same has never been considered by the said respondent authority and thus, the petitioner has suffered huge financial loss due to the non-operation of the vehicle during the entire period, till date.
6. Mr. Srinjay Sengupta, learned counsel appearing for the petitioner, in one hand, has strongly disputed as

to such inaction of the respondent and sought for redress for his client as well as on the other hand, he has sought for adequate compensation for the petitioner, who is stated to have suffered loss due to the inaction of the State/its instrumentality.

- 7.** Mr. Amal Kumar Sen, learned Additional Government Pleader is representing the State in this case.
- 8.** A report is filed by the Secretary, State Transport Authority, West Bengal dated December 23, 2024 in this case, which he submits in Court.
- 9.** Let the report be taken on record.
- 10.** According to the said report, the petitioner's vehicle is now over fifteen years old and would not be eligible for grant of permit, in terms of notification No. 2085-WT/TPT/2/2021 dated June 2, 2023.
- 11.** The Secretary further says in the said report that the petitioner would be at liberty to file application for renewal of permit afresh, as against the vehicle, which is in compliance with the notification as above. So far as the previous application of the petitioner dated April 12, 2018 is concerned, for renewal of permit, according to Mr. Sen, the same has not been in proper form and also that the petitioner has not been diligent to his causes.
- 12.** Heard the submissions and perused the records. It appears that since after filing the application for renewal of permit on April 12, 2018, though not in proper form as per the statute and submitting the fees therefor, the petitioner has not been properly following up and remained silent for a considerable period of time.

- 13.** A period of time for about five years have elapsed after which the petitioner has sent the demand justice notice on July 15, 2024 and thereafter, come up before this Court by filing the present writ petition.
- 14.** Regarding the delay as above, the petitioner has not offered any plausible explanation as to why, in spite of his keeping silence and making no more, his permit should be renewed. Be that as it may, as per the statutory provision, the right of renewal of permit is still available to him, subject to his fulfilling statutory and procedural compliances, in this regard.
- 15.** Hence, in case of an application is filed by the petitioner in accordance with law, the respondent authority shall be bound to consider the same and decide thereupon.
- 16.** In such view of the fact, the Court finds it proper to dispose of this writ petition by directing the respondent Secretary, State Transport Authority, West Bengal to accept the prayer by the petitioner for renewal of permit, if any, filed afresh in accordance with law, along with the requisite statutory fees.
- 17.** It is further directed that in such an event, he shall immediately consider the said application and decide thereupon, within four weeks from the date of receipt thereof.
- 18.** Needless is to mention that in case the petitioner complies duly with all the statutory and procedural formalities, renewal of his permit shall immediately be granted.

- 19.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 20.** With the above observations and directions, the writ petition being WPA 21493 of 2024 is disposed of, along with the pending applications, if any.
- 21.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)