

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(APPELLATE SIDE)**

Present:
The Hon'ble Justice Rai Chattopadhyay

WPA 30358 of 2024

**Kisto Mani Devi
Vs.
The State of West Bengal & Ors.**

For the Petitioner : Mr. Sattwik Bhattacharyya,
Mr. Aashutosh Bhattacharyya,
Mr. Titas Niyogi,
Mr. Aritra Roy.

For the State : Mr. Pantu Deb Roy, Ld. A.G.P.,
Mr. Pannalal Bandopadhyay.

For the Respondent : Ms. Aishwarya Raiyashree.
No. 4

Heard on : **31/01/2025**

Judgment on : **31/01/2025**

Rai Chattopadhyay, J.

1. The writ petitioner's grievance is with respect to the alleged inaction on the part of the State respondent authority, in unlocking her vehicle in the official web portal of the said department.
2. Let the factual background of the case be narrated in a nut-shell.

3. According to the petitioner, the original permit holder, that is her deceased husband, was granted permit to ply inter-state vide Permit No.P.St.S No.45/2006 (WB) on the route from 'Godda to Kolkata via Dumka, Suri, Panagarh B-19.' The said permit was duly counter-signed and lastly extended till October 11, 2026.
4. Upon perusal of a document submitted on behalf of the petitioner, it appears that the Permit No.P.St.S No.45/2006 (WB) was transferred in the name of the present petitioner on February 02, 2024. Be that as it may, there has been a drive by the respondent authorities in terms of the order of the Hon'ble Division Bench of this Court, to restrict unauthorized operators at the stipulated portion in Kolkata, at Babughat. However, according to the petitioner, since his permit has been granted over the route from 'Godda to Kolkata' and since from initiation, that is, from the date of grant of permit in 2006, he has been terminating his vehicle at Babughat in Kolkata, the petitioner continued to terminate his vehicle at Babughat. According to the petitioner, in doing so, the petitioner has not operated unauthorizedly since for years together, he has been plying his vehicle in terms of a valid permit to Babughat.

5. Furthermore, the petitioner would say that, in accordance with the permit conditions, he would be entitled to terminate his vehicle at Babughat, which is the terminating point as per Annexure-'B 19' of the agreement, as mentioned in the permit.
6. However, in the drive of restraining plying for unauthorized vehicles at Babughat, the respondent authorities initiated two challan cases against the petitioner being as follows; (1) Challan No.WB146288240227170703 dated 27.02.2024 (2) Challan No.WB1226672310111235157 dated 11.10.2023.
7. According to the petitioner, the challan amount has already been remitted by him duly and in accordance with law, for the two offences as above and as such, the respondent authorities should have unlocked his vehicle in the official web portal or otherwise, the petitioner has stated that she has been suffering serious impediments in payment of taxes, etc., and duly plying her vehicle.
8. Mr. Sattwik Bhattacharyya, learned advocate for the petitioner, has submitted with reference to the payment receipt that on February 27, 2024, the respondent authorities have acknowledged receipt of challan fees for

two offences of the petitioner to the tune of Rs.20,000/-.

He would further say that by plying the vehicle to Babughat, the petitioner has not flouted any of the order of this Court or ply her vehicle unauthorizedly, so to attract any penal provision under the statute as against her. In such view of the fact, learned advocate for the petitioner has stated that imposition of fine upon the writ petitioner, is itself in contravention with the order of the Court as well as the statutory provision, which would provide for imposition of punishment against unauthorized operators. Since the petitioner has been plying her vehicle under valid permit, she cannot be held liable as an unauthorized operator at Babughat, he says.

9. Mr. Sattwik Bhattacharyya, learned advocate appearing for the petitioner, would further refer to the show-cause notice issued by the Secretary, State Transport Authority, West Bengal dated March 6, 2024 and reply of the same dated August 2, 2024 by the petitioner that the respondent has not considered the reply of the petitioner as above, thereby not redressing her grievance. He would refer to a letter dated August 9, 2024 addressed to the respondent/Additional Director, Public Vehicles Department and the ARTO, Kolkata, Public Vehicles

Department, by dint of which the petitioner has sought for redressal of her grievance, that since the challan fees have already submitted by her, her vehicle should be unlocked in the official web portal.

10. Mr. Sattwik Bhattacharyya, learned advocate appearing for the petitioner, would further refer to the report submitted in the form of an affidavit by the respondent nos.2 and 3. With reference to the specific portion thereof, he would say that on affidavit, such respondents have affirmed that challan fees to the tune of Rs.21,180/-, which was paid by the petitioner earlier on July 11, 2024 has been refunded to her on the ground of erroneous imposition upon her of such fee due to some glitches on the e-payment system.

11. Therefore, Mr. Sattwik Bhattacharyya, learned advocate appearing for the petitioner, has insisted that an order may be passed in this case directing the respondent authorities to unlock his vehicle of the petitioner in the official web portal.

12. The State respondent has raised strong objection as to the contention and prayer of the writ petitioner. Mr. Pantu Deb Roy, representing the State, has strongly relied on the affidavit filed by the respondent nos.2 and

3. He would say that the petitioner is yet to make good of fine as imposed in the challan cases lodged against him on the allegation of unauthorized plying of vehicle.

13. Mr. Pantu Deb Roy, learned advocate representing the State, further says that the petitioner has been operating with the permit, which is not in her name. Therefore, the petitioner's operation is absolutely unauthorized and the steps taken by the respondent authorities in case of the writ petitioner would not be invalid in any manner whatsoever. Mr. Pantu Deb Roy, representing the State, has insisted that the writ petition may be dismissed.

14. Heard submissions and perused the records, which transpires that the husband of the petitioner earlier held the permit from the year 2006 for the route from "Godda to Kolkata". Neither in the permit which has been duly counter-signed thereafter and nor in the timetable, any particular station of Kolkata has been mentioned to be the terminating station for the permit holder. The permit appears to have been extended till October 11, 2026.

15. It appears that since very inception, the terminus of the said route has been allowed to be at Babughat in Kolkata. It appears that as per the permit condition, the permit holder has to terminate his vehicle at a point

mentioned in Annexure-B Serial No. 19 of the Reciprocal Transport Agreement, which is Babughat.

- 16.** On perusal of the document submitted in court on behalf of the writ petitioner, it appears that in 2024, the permit as mentioned above, has been transferred to the petitioner on February 2, 2024.
- 17.** The court also notices in the report that the respondent nos.2 and 3 have stated there on affidavit that the penal amount charged against the petitioner and paid by her on February 27, 2024, has been refunded to the petitioner on the ground that the amount was received from the petitioner inadvertently due to some technical glitches on the e-payment system.
- 18.** However, at the same time, in the said report, the respondent has mentioned that the petitioner is yet to submit any penal amount in terms of fine imposed vide challan cases against her, as mentioned above.
- 19.** The submissions of the respondent authorities appear to be self contradictory. Further it is seen that neither reply to the show-cause as submitted by the petitioner dated August 2, 2024, nor her letter dated August 11, 2024, have yet been considered by the respondent authorities.

- 20.** On the premise as above, it would be prudent to dispose of this writ petition by directing the Additional Director, Public Vehicles Department, to take up the reply of show-cause of the petitioner dated August 2, 2024 and her presentation dated August 9, 2024 to immediately decide thereupon, after granting a reasonable opportunity of hearing to the petitioner. The Additional Director, Public Vehicles Department, in conducting the hearing, if finds so necessary, should call for the records of the case, from the office of the Secretary, State Transport Department, Kolkata and seek his assistance in determining the issues involved. In doing so, the said authority shall also take into consideration the relevant “money receipts” of the petitioner in support of her claim of submission of the challan fees, to the respondent.
- 21.** The exercise as above should be concluded by the respondent Additional Director, Public Vehicles Department, by dint of a reasoned order and within a period of four weeks from the date of communication of copy of this order.
- 22.** Needless is to mention that the said authority having been satisfied about payment of challan fees by the petitioner appropriately and other relevant

considerations, shall immediately take steps for unlocking the vehicle of the petitioner in the official web portal of the department.

23. Since no affidavit has been called for, allegations made in the writ petition are deemed to have been denied by the respondent authorities.

24. With the aforesaid observations, the instant writ petition being WPA 30358 of 2024 is disposed of. Connected application(s), if any, shall also stand disposed of.

25. Urgent Photostat certified copy of this order may be supplied to the parties upon all formalities, if applied for.

(Rai Chattopadhyay, J.)