

Item no.02
20.08.2025
Court No.2
R. Bose

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 615 of 2025

**Subrata Kundu
-versus
The State of West Bengal & Ors.**

Mr. Ratan Das, Adv.

... for the Petitioner

Mr. Nabankur Paul, Adv.

Mr. Pratyush Dutta Chowdhury, Adv.

... for the State

1. The present writ petition has been filed inter alia, praying for a direction upon the respondents to permit the petitioner for conversion of stage carriage permit to contract carriage permit.

2. According to the petitioner, the petitioner had an existing stage carriage permit which has since been surrendered by the petitioner, as would appear from the document appearing at page 20 of the writ petition. The petitioner's application for conversion has been rejected by an order dated 6th September 2024 inter alia, on the ground of the petitioner's vehicles being covered by permanent stage carriage permit. The aforesaid reason for rejection is unsustainable since, the petitioner has already surrendered his permanent stage carriage permit. This apart, the petitioner also alleges that similarly situate vehicles were allowed

conversion from permanent stage carriage permit to contract carriage permit.

3. Records would reveal when the aforesaid writ petition was moved a coordinate Bench of this Court by an order dated 3rd April 2025 directed the Secretary, Regional Transport Authority, Cooch Behar being the second respondent to file a report in the form of an affidavit as regard the case made out by the petitioner.

4. Pursuant to such direction a report in the form an affidavit has been filed by the concerned respondent on 13th June 2025. Today at the time of hearing, Mr. Paul, learned advocate representing the State while drawing attention of this Court to the report would submit that there is not provision in the Motor Vehicles Acts and Rules for conversion of a stage carriage permit to a contract carriage permit. In this context, he reiterates and relies on the memo dated 6th September 2024. This apart, according to him, since the petitioner's vehicle does not comply with BS-IV norms which are mandatory for issuance of contract carriage permit, no contract carriage permit can be issued in respect of the petitioner's vehicle. On the allegation that similar situate person being allowed conversion, by a detailed response, the report identifies that several vehicles are covered under auto rickshaw route permit and the rest of the vehicles are

all covered under stage carriage permit route when changes have been made.

5. Having heard the learned advocates for the respective parties, it would transpire from the above report that in so far as the vehicle no. WB850536 and WB639518 are concerned, the respective cases have been considered by the RTA Board. While in the case of WB850536 the RTA Board in its meeting held on 27th May 2023 in resolution no.4 serial no.17, has permitted the application for carrying students and staff of Epic Public School, Debibari, Cooch Behar on the ground that existing stage carriage permit route was not profitable, subject to the surrender of previous permit under section 73 and 74 of the Motor Vehicles Act, 1988. Similar benefit has also been afforded to the owner of the vehicle being WB639518. Having regard thereto, I am of the view that in the event upon surrendering of the previous permit a new contract carriage permit has been granted on the basis of RTA Board meeting held on 27th May 2024, in respect of the vehicles noted in the report and if, such vehicles are found to be similarly placed as that of the petitioner, similar benefit should also be extended to the petitioner.

6. Having regard thereto, I direct the respondent no.2 to decide the petitioner's application afresh upon giving an opportunity of hearing to the

petitioner in accordance with law and if the petitioner is found eligible and similarly situate with the aforesaid two vehicles, appropriate orders be issued in favour of the petitioner for issuance of new contract carriage permit. The entire process in this regard must be completed within a period of six weeks from the date of communication of this order. Accordingly the order dated 6th September 2024 rejecting the petitioner's application is set aside.

7. The writ application is accordingly disposed of.

8. There shall be no order as to costs.

9. All parties are to act on the basis of server copy of the order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)