

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/345/2025

SALONI MUNDRA
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE SMITA DAS DE

Date: November 21, 2025.

Appearance:

Mr. Sankar Nath Mukherjee, Adv.

Sk. Samim Akhtar, Adv.

... for the petitioner

Mr. Amal Kumar Sen, Ld. AAG

Mr. Lal Mohan Basu, Adv.

...for the State

The Court: - Heard the parties through their respective concerns.

The petitioner made an application on 11th October, 2024 for permanent Stage Carriage Inter-State permit in the route as declared in reciprocal transport agreement at Kolkata to Chandbali via Laxmannath by submitting the application in compliance of all other formalities. The said application was placed in the board meeting dated 12th December, 2024 before the respondent no.2 and the same was rejected in limine.

Thereafter, the petitioner made a further representation before the authority concerned on 27th February, 2025 which was also rejected by the authority concerned on the ground of no vacancy. The petitioner made a further representation before the authority concerned on 28th March, 2025, which remains pending for consideration.

The State-respondents submit and files a report of the Secretary, State Transport Authority, West Bengal being respondent no.2 and the same is kept

on record. Upon perusing the said report, it appears that the representation applied for Inter-State stage carriage route i.e. Kolkata KCBT at Santragachi to Chandbali via Laxmannath was rejected on the ground of “No Vacancy”.

It was further submitted that under sections 71 and 80 of the Motor Vehicles Act, 1988, there are certain procedures to be adopted by the authority concerned to issue a permit in favour of any applicant. The State-respondents submit that prior to issuance of any permit in respect of any surrender or any cancellation, vacancy needs to be declared first and then only application can be made against that vacant route. It is further submitted that since for the said route there exists no declaration of vacancy, the prayer made by the petitioner being the applicant cannot be acceded to.

It is also submitted that the permit was surrendered by one Goutam Shankar Nayak who possessed the route alignment at KCBT at Santragachi to Chandbali via Balasore whereas the route alignment for the petitioner is KCBT at Santragachi to Chandbali via Laxmannath. In refuting the contention of the respondent, the petitioner submits that the petitioner has already made an application being annexure P-4 at page no.31 of the writ petition wherein it appears that area of the route for which permit is applied for is with regard to KCBT at Santragachi to Chandbali via Balasore. Therefore, he refuses the contention of the State-respondents with regard to ‘no vacancy’ declared in respect of route in question by placing reliance upon a notice dated 2nd September, 2025 being Memo No.725/STA/SC enclosing the Inter-State vacancy list. The said notice is reproduced hereunder:-

In respect of vacancy status published vide this office Memo No.698/STA/SC, Dt.-26.8.2025, the No. of Quota and vacancy in respect of Sl No-9, Burdwan to Chandipur via

Jamsola, Baripada, Balasore shall be read as 1 and 1 instead of 2 and 2 respectively and in respect of Sl No-10, Khejuri to Chandanipal via Contai, Digha, Chandaneswar, Jaleswar, Balasore the vacancy shall be read as 1 instead of 2.

Encl: Inter State Vacancy List.

Annexure to Memo No.725/STA/SC, Dated-02/09/2025				
Sl. No.	Route	Route No	No of quota WB	Vacancy existing in West Bengal as on 19.08.2025
1	KCBT AT SANTRAGACHI TO CHANDABALI VIA BALASORE	OD-1121	2	1
2	BHABALPUR MUHAN TO CONTAI VIA HALDIPADA, BASTA, JALESWAR, AMBILIATHA, SOLEPATTA, EGRA	OD-6A	2	1

A copy of the same is kept on record.

In the above circumstances, I find that the petitioner has a substance in his submission. I direct the respondent no.2 to consider the application dated 28th March, 2025 being annexure P-4 at page no.31 of the writ petition to consider in the light of the notice being Memo No.725/STA/SC dated 2nd September, 2025 within a period of four weeks and pass a reasoned order in accordance with law upon affording opportunity of hearing to the concerned parties and communicate the said decision within a week thereafter.

The writ petition is disposed of without taking any exception to the merits of the case.

(SMITA DAS DE, J.)