

30.01.2026
Item No. 63
Court No.10.
S. De
266313

WPA 20383 of 2025
I.A. No. CAN 1 of 2025

Sabyasachi Shee & Anr.
Vs.
State of West Bengal & Ors.

Mr. Arabinda Chatterjee, Sr. Adv.,
Ms. Kakali Dutta, ...for the petitioners.

Mr. Sanat Roy,
Mr. Sambhunath De,
...for the added respondent.

Mr. Akash Dutta,
...for the State respondents.

Mr. Sakti Pada Jana,
Ms. Subhajyoti Das,
Mrs. Sudipta Pramanik,
...for the added respondents in CAN 1 of 2025

The petitioners in the instant case made an application on 18.08.2011 for Inter-State route via Contai, Solapatta Ambiliatha, Balasore and Chandikhol. The application remained pending for a considerable period of time. Thereafter, the applications of the petitioners have been allowed on 05.12.2014 by the respondent no.2 without issuing any offer letters in terms of the resolution taken on that date.

In the mean time, the authority concerned communicated the resolution no.13

dated 05.12.2014 to the petitioners on 21.01.2015.

After receiving the same, a further letter has been written by the petitioner to the department concerned for issuance of the offer letter which remained pending. Thereafter, on 08.12.2022, the respondent no.2 further passed a resolution being agenda no.14 by considering the applications dated 28.11.2022 filed by the petitioners. The said decision taken in the meeting as reproduced below :

“In the meeting dated 09.03.2018 and in agenda no.29, both applicants were applied for the same route and their approved applications are still pending but as per decision of STA board in the meeting dated 20.09.2022 in Agenda-22 both the applications stand cancelled. But it is found from earlier records that there is a case against the same route pending before Hon’ble High Court at Calcutta (WPA No.933/2015). Accordingly, STA board considered the applications for a hearing for next board meeting.”

Mr. Chatterjee, learned senior counsel appearing for the petitioners submits that

prior to the decision being agenda no.14, the writ petition mentioned in the decision has already been dismissed for default by a co-ordinate Bench of this Court on January 15, 2020. It is submitted that the private respondent approached this Court by filing a writ petition being no.WPA 3836 of 2025, wherein the said petition has been disposed of on 07.05.2025 with certain directions mentioned in paragraph 17 of the said judgment and order which is reproduced below :

“This writ petition is being allowed with the following directions:

- i. The impugned resolution dated December 12, 2024 is set aside;*
- ii. The respondent Board shall immediately take up the two applications as above of the petitioner along with the other application, if any, for grant of permit on the route as mentioned above and decide thereupon, in terms of their merits in accordance with law.*
- iii. The petitioner should be given opportunity of hearing at the time of consideration of his applications as above.”*

In pursuance of the order of the Co-ordinate Bench of this Court dated

07.05.2025, the respondent no.2 has taken a decision which is reproduced below.

“Though, two(02) permits were granted in the said route in favour of Sri Subrata Shee and Sri Sabyasachi Shee by S.T.A., W.B. in its Board meeting dated 05.12.2014, but it has been never been found the vehicles to be placed in the permit. By the passage of time, those issued offer letters became expired as it crossed 180 days.

In light of Notification No.1890-WT/TPT/18011/26/2020, Kolkata, and the 8th May, 2025 published by the Transport Department, Govt. of West Bengal, as the issued offer letters became expired, the route in question is now reckoned as a vacant one.

Therefore, Vacancy has to be declared on the route in question and afterwards, applications will be invited a fresh, accordingly after seven days (07) from the date declaration of vacancy.

The earlier application of the petitioner along with other applications (if any) of same nature will be taken up for consideration.

All the applications with regard to this route will be considered

and disposed off on First in First out (FIFO) basis which has already been notified by the Transport Department, Govt. of West Bengal vide Notification No. 1890-WT/TPT/18011/26/2020, Kolkata and the 8th May, 2025. Thus, the solemn order of the Hon'ble High Court, Calcutta has been complied and the petitioner will be informed of this accordingly."

After giving effect to the said decision, the respondent no.2 published a notice on 08.08.2025 by way of a notification of these vacancies and the same has been uploaded on the departmental website.

The State respondents vehemently opposes the same and submits by drawing the attention of this Court to the agenda no.14 dated 08.12.2022 by submitting that already the application of the petitioners have been cancelled and the same is also not the subject matter of challenge before this writ petition.

Learned advocate appears for the private respondents submits that in pursuance of the order dated 07.05.2025, passed by a co-ordinate Bench of this Court, the respondent no.2 has already taken a decision that the

petitioners, despite being successful candidates have been unable to produce the vehicle before the authority concerned for grant of permit and by efflux of time it has already crossed 180 days. The said contention of the private respondent has been vehemently opposed by the petitioners and submits that already the respondent no.2 has approved his application and has been selected as the successful candidate, but no offer letter till date has been issued. Therefore, the question of producing any vehicle for grant of permit before the authority concerned does not arise. The State respondent also failed to satisfy the Court to show that offer letters have been issued to the petitioners after the resolution taken on 05.12.2014 being agenda no.13.

In conspectus of the above, as adumbrated, I am of the considered view that the respondent no.2 without applying proper application of mind has arbitrarily arrived at a decision which is not sustainable in the eye of law. The decision taken by the respondent no.2 dated 07.07.2025 is perverse and has been passed without taking into consideration of the earlier past records.

Thus the agenda in the decision dated 07.07.2025 along with the notice dated 08.08.2025 are hereby set aside and quashed.

After careful consideration of the case upon hearing the parties, I direct the petitioners to make a fresh comprehensive representation enclosing all the documents annexed to the writ petition being WPA 20383 of 2025 before the respondent no.2 within a period of two weeks from the date of communication of this order. The respondent no.2 shall fix the date of hearing on April 9, 2026, at 12:00 noon upon service of notice of hearing to all the petitioners and other interested persons including private respondents considering the representation shall pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioners, private respondents and the other interested persons if any and communicate such decision preferably within a week thereafter.

The writ petition being WPA 20383 of 2025 is disposed of along with the application being I.A. No. CAN 1 of 2025, without taking an exception to the merits of the case. However, it is made clear that in course of

hearing, if the respondent no.2 arrives at finding that the offer letters which have been due to be issued to the petitioners have not been issued in favour of the petitioners being the successful candidate as per agenda no.13 dated 05.12.2014, in that event, the respondent no.2 shall forthwith take necessary steps in accordance with law to resolve the impasse that has been created for non-issuance of the offer letters in respect of Inter-State route from Haldia to Paradip.

(Smita Das De, J.)