

05-01-2026
ct no. 10
Sl. 41
RP

WPA 28947 of 2025

Siddhartha Biswas
-Versus

State of West Bengal & Ors..

Mr. Barun Kumar Samanta

...for the petitioner

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay

...for the State

1. The petitioner is the registered owner of the Vehicle No. WB 25B/8197 for the Route 201 (Salt Lake to Nimta Tatkhal) and a valid permit holder in respect of permit no. P. St. P. No. 039/201/Bst./08.
2. The petitioner submits that before pandemic situation of COVID-19 the petitioner has been regularly plying the bus in the said route smoothly and regularly. Thereafter, the vehicle remained idle, nonfunctional and turned out to be a scrap.
3. The petitioner submits that subsequent thereto, the vehicle was sold as a scrap to one Gaya Prasad Biswakarma on 03.06.2022. In the mean time, the petitioner made several representations before the authority concerned for the replacement of the vehicle but the same remained pending for consideration.

4. Thereafter, the concerned authority issued a notice on 08.05.2025 regarding the cancellation of the stage carriage permits for not plying the vehicle in the route 201(Saltlake to Nimta Tatkal) since long time.
5. The petitioner submitted a reply to the show-cause notice dated 08.05.2025 which was considered by the authority by taking a resolution on 01.07.2025 which is reproduced below:-

“RTA Board do hereby cancel the Stage Carriage Permit bearing no 040/201/N issued against vehicle number WB25C 1231 in the route 201 (SaltLake to Nimta Telkal) with immediate effect. Permit holder is directed to surrender the original permit and associated documents to the Secretary, RTA within 07 days from the date of issuance of the order. Secretary, RTA is directed to issue the permit cancellation order and communicate to the permit holder. He is also directed to prepare new vacancy list accordingly to invite fresh proposal.”

6. The petitioner in the instant case prays for an order directing the respondent authorities to grant replacement order as well as to renew the permit of the petitioner by setting aside the order of cancellation permit dated 01.07.2025.
7. The State respondent opposes such prayer and submits that without obtaining prior permission from the authority concerned the vehicle was sold as a scrap to the third party in

contravention to Section 55 of the Motor Vehicles Act, 1988.

8. After hearing the rival contention of the parties and perusing the available records, I find that the resolution of the RTI dated 01.07.2025 being agenda no. 20 is a non-speaking order and perverse, not legally sustainable since there is no reason assigned as to why the stage carriage permit issued against the vehicle in question for the route no. 201 was cancelled with immediate effect.
9. In view of the above, the resolution dated 01.07.2025 is hereby quashed and set aside directing inter alia, the respondent no. 2 to revisit the issue by considering the representation dated 20.05.2025 within a period of 60 days by passing a reasoned order in accordance with law upon affording opportunity of hearing to the petitioner and communicate the same preferably within a week thereafter.
10. However, it is made clear that the respondent no. 2 shall consider the issue of replacement of the vehicle and renewal of the

permit in the light of the Govt. order dated 28th August, 2025.

11. The writ petition being WPA 28947 of 2025 is disposed of without taking any exception to the merits of the case.

(Smita Das De, J.)