

(2012) 07 CAL CK 0099
In the Calcutta High Court
Case No : Writ Petition No. 13861 (W) of 2012

Achinta Bag

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 03-07-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 07 CAL CK 0099

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Subhrangsu Panda, for the Appellant;

Judgement

Hon"ble Mr. Justice Jayanta Kumar Biswas

1. The impugned decision is dated December 14, 2011 and it is at p.34 of the WP under art.226. The decision is quoted below:

Resolution:- The matter is taken up & rejected observing Policy No. TS-96(2)/2011 Dtd. 27.1.2011 and Corrigendum Policy No. TS-126(2)/2011 Dtd. 28.1.2011 issued by Addl. Chief Secretary, Transport Department, Govt. of WB.

2. The petitioner applied for grant of a permanent stage carriage permit. The Regional Transport Authority, Purba Medinipur has rejected the application. It is evident that the RTA has rejected the application without stating the reasons and by simply referring to certain policy decisions. This is an utterly arbitrary way of deciding an application for grant of a permit.

3. This case is a classic example of gross abuse of the statutory powers by a Transport Authority. The RTA was under an obligation to give reasons. It could not reject the application simply citing the numbers and dates of certain policy decisions. For these reasons, I set aside the impugned decision, allow the WP to this extent and direct the RTA to decide the petitioner's application, giving him a fresh opportunity of hearing, within eight weeks from the date this order is

served. No costs. Certified xerox.