

(2012) 10 CAL CK 0035
In the Calcutta High Court
Case No : Writ Petition No. 21882 (W) of 2012

Anil Kumar Chowbay

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 17-10-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 10 CAL CK 0035

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Shyamal Kr. Mukherjee, for the Appellant; P. Deb Roy and Mr. Jaladhi Das for the State, for the Respondent

Final Decision : Dismissed

Judgement

Hon"ble Mr. Justice Jayanta Kumar Biswas

1. The petitioner in this WP under art. 226 dated September 3, 2012 is seeking the following principal relief:-

(a) A writ in nature of mandamus commanding the respondents to effect of issuing offer letter and to effect permanent registration of the new vehicle interims of the application (Annexure "P/1" to the Writ petition) and/or to issue offer letter to your petitioner as per application (Annexure "P/1") of the writ petition.

Annexure P1 referred to in the prayer is at p.15 of the WP. It is a copy of an application submitted by the petitioner to the Regional Transport Authority, Paschim Medinipur for the grant of a contract carriage permit for the route mentioned therein.

2. By a letter dated November 14, 2011 (WP p.17) the RTA asked the petitioner to appear for personal hearing on November 25, 2011. The allegation is that after hearing the petitioner the RTA did not intimate its decision.

3. Mr. Deb Roy appearing for the State submits under instructions that by a decision dated November 25, 2011 the RTA rejected the petitioner's application for the grant of a permit citing a notification dated January 29, 2010.
4. Mr. Mukherjee appearing for the petitioner has submitted that the RTA never served its decision dated November 25, 2011 on the petitioner.
5. The question is whether power under art. 226 should be exercised for ascertaining whether the RTA served its decision dated November 25, 2011 on the petitioner.
6. The decision of the RTA dated November 25, 2011 has remained unchallenged. As noted hereinbefore, this WP is dated September 3, 2012.
7. I do not think it will be appropriate to exercise power under art. 226 for making an inquiry for ascertaining whether the decision of the RTA dated November 25, 2011 was sent to the petitioner. The petitioner's allegation is belated. For these reasons, I dismiss the WP. Nothing herein or in the decision of the RTA shall prevent the petitioner from submitting a fresh application for the grant of a permit for the route in question. No costs. Certified xerox.