
(2012) 08 CAL CK 0057
In the Calcutta High Court
Case No : Writ Petition No. 18287 (W) of 2012

Ashit Paul

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 21-08-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 08 CAL CK 0057

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Tapasi Sinha, for the Appellant; S.S. Arafin for the State and Mr. Pantu Deb Roy for the RTA, for the Respondent

Final Decision : Allowed

Judgement

Hon"ble Mr. Justice Jayanta Kumar Biswas

1. The petitioner in this WP under art.226 dated August 14, 2012 is questioning a decision of the District Magistrate and Chairman, Regional Transport Authority, Jalpaiguri dated August 4, 2011 (WP p.26). The relevant part of the decision dated August 4, 2011 is quoted below;-

In compliance to the order of the Hon"ble High Court, an opportunity of hearing was given to Mr. Ashit Paul Vs-State of West Bengal, vide W.P. No. 6042(W) of 2011. Considered the prayer of the petitioner and decided to reject the same on the ground that the route prayed for is already over congested, the road condition and traffic movement are not conducive for further load, thus in the interest of the public safety and ease of movement, it is decided that further permit cannot be granted at this stage.

2. By the order dated April 4, 2011 this Court directed the RTA to give the decision. The District Magistrate and Chairman of the RTA could not give the decision on behalf of the RTA. Hence the impugned decision is vitiated by incurable jurisdictional error. It is liable to be set aside. For these reasons, I set

aside the impugned decision, allow the WP to this extent and direct the RTA, Jalpaiguri to decide the matter strictly according to the order of this Court dated April 4, 2011, within eight weeks from the date this order is served. No costs. Certified xerox.