
(2012) 08 CAL CK 0042
In the Calcutta High Court
Case No : Writ Petition No. 18296 (W) of 2012

Pradip Debnath

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 0042

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Tapasi Sinha, for the Appellant; Hasanuz Zaman 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 September 30, 2011 (WP p.27). The relevant part of the decision dated September 30, 2011 is quoted below;-

In compliance to the order of the Hon"ble High Court, an opportunity of hearing was given to Pradip Debnath Vs. State of West Bengal, vide W.P. No. 13509W) 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 interst of the public safety and case of movement, it is decided that further permit cannot be granted at this stage.

2. By the order dated August 17, 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 August 17, 2011, within eight weeks from the date this order is served. No costs. Certified xerox.