
(2012) 07 CAL CK 0181
In the Calcutta High Court
Case No : Writ Petition No. 16038 (W) of 2012

Subhashis Taran

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 26-07-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 07 CAL CK 0181

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : B. Basu Mallick and Ms. Tapasi Sinha, for the Appellant; Moloy Chakraborty and Mr. Pronob Halder for the State, for the Respondent

Judgement

Hon'ble Mr Justice Jayanta Kumar Biswas

1. The petitioner in this WP under art. 226 dated July 23, 2012 is questioning a decision of the District Magistrate & Chairman, RTA, Jalpaiguri dated September 30, 2011 (at p.27). Relevant part of the decision dated September 30, 2011 is quoted below:

In compliance to the order of Hon'ble High Court an opportunity of hearing was given to Mr Subhasish Taran -Vs- State of west Bengal, vide W.P.No.12437(W) 2011 considered the prayer of the petitioner and decided to reject the same on the ground that the route prayed for is already overcongested, 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. Mr. Chakraborty appearing for the State submits that he is unable to justify the decision. He has said that the decision may be set aside giving the RTA an opportunity of deciding the matter in compliance with the order of this Court dated August 4, 2011 (at p.25). In view of the above-noted submissions, I set aside the impugned decision dated September 30, 2011, 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 4, 2011 (at p.25). The decision shall be taken within eight weeks from the date this order is served on the RTA. It shall be communicated immediately. No costs. Certified xerox.