
(2019) 12 CAL CK 0150

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 17285 (W) Of 2019

Suman Dey

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 24-12-2019

Acts Referred:

West Bengal Motor Vehicle Rules, 1989 — Rule 103
Motor Vehicle Act, 1988 — Section 88

Citation : (2019) 12 CAL CK 0150

Hon'ble Judges : Subrata Talukdar, J

Bench : Single Bench

Advocate : Sanat Kumar Roy, B.Ghosal, Atanu Basu, Srijan Nayak, Ayan Banerjee

Final Decision : Disposed Of

Judgement

Subrata Talukdar, J

Party/parties is/are represented in the order of their name/names as printed above in the cause-title.

Mr. Ray, learned Counsel appears in support of the writ petition and submits that the resolution of the Regional Transport Authority (RTA), Purba Burdwan dated 28th June, 2019 rejecting the prayer of the petitioner for a permanent stage carriage permit is not tenable in law since the RTA, Purba Burdwan has referred to Section 88 of the Motor Vehicle Act, 1988 and Rule 103 of the West Bengal Motor Vehicle Rules, 1989 (for short the 1988 Act and the 1989 Rules respectively), both of which do not apply to the facts of this case.

Mr. Nayak, learned State Counsel assisted by Mr. Banerjee, learned Advocate, submits that each permit must be considered on an as-is-where-is individual merit basis.

Having heard the parties and considering the materials placed, this Court permits the RTA, Purba Burdwan to consider the representation of the petitioner dated

19th August, 2019 at its next available Board meeting in accordance with law.

It is made clear that this Court has not gone into the merit at this stage.

In view of the fresh consideration directed by the RTA, Purba Burdwan, till such consideration, the decision impugned qua the writ petitioner dated 28th June, 2019 shall not be given effect to by the RTA, Purba Burdwan.

The RTA, Purba Burdwan shall be entitled to arrive at a fresh decision on merits.

At the time of hearing, the petitioner shall supply all necessary documents, including the representation dated 19th August, 2019(at Page-22 of the writ petition) to the RTA, Purba Burdwan.

WP No. 17285(W) of 2019 stands accordingly disposed of.

Since affidavits are not invited, allegations made in the writ petition are deemed not to have been admitted.

Affidavit of Service filed in Court today be retained with the record.

Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.