

Sanjay Kumar Shaw Vs. the State of West Bengal and ors.

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Court : Kolkata

Decided On : Apr-24-2013

Judge : Aniruddha Bose

Appellant : Sanjay Kumar Shaw

Respondent : The State of West Bengal and ors.

Judgement :

ORDER

SHEET WP No.148 of 2013 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE SANJAY KUMAR SHAW Versus THE STATE OF WEST BENGAL & ORS.BEFORE: The Hon'ble JUSTICE ANIRUDDHA BOSE
Date :

24. h April, 2013.

Appearance: Mr.Sankar Nath Mukherjee, Advocate.

for the petitioner.

Mr.Paritosh Sinha, Advocate.

Md.T.M.Siddiqui, Advocate.

for the respondent.

The Court :-The petitioner is holder of a stage carriage permit in the route bearing No.217.

The terminal points of this route are Band Stand and Narayanpur within the jurisdiction of the Kolkata Regional Transport Authority and North 24 Parganas Regional Transport Authority respectively.

The petitioner has applied for replacement of the existing vehicle plying against the said permit by a new vehicle complying with BS-III norMs.The prayer for replacement has been made on 5th February, 2013 and the grievance of the petitioner is that no decision is being taken in pursuance thereof.

The petitioner has brought to the notice of this Court a notification bearing No.2767/-WT/3M-21/2012 dated 7th August, 2012 and relying on this notification he submits that in the event the route has one terminal point within the Kolkata Municipal Corporation area as well as the areas under Salt Lake and Lake Town Police Stations and the other outside the aforesaid area, then the replacement of the existing vehicle with a vehicle complying with BS-III norms would be permissible.

The duty to allow replacement under the statute is on the Regional Transport Authority.

In this case no order of rejection has been issued, and the matter is pending before such authority.

In these circumstances, I direct the concerned authority being respondent no.2 to take a decision on the question of replacement of the vehicle of the petitioner upon giving the petitioner opportunity of hearing within a period of six weeks from the date of communication of this order.

The concerned authority shall take into consideration the notification referred to above and also any other notification, which may be applicable in a case of this nature.

The decision shall be communicated to the petitioner within a further period of one week.

With this direction, the writ petition stands disposed of.

Since this writ petition is being disposed of without calling for any affidavit, the allegation made in this writ petition shall be deemed not to have been admitted.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties subject to compliance with all requisite formalities.

(ANIRUDDHA BOSE, J.) nm/B.Pal A.R.(C.R) 2

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