

(2012) 07 CAL CK 0059

Calcutta High Court

Case No: Writ Petition No. 1938 (W) of 2012

Mohammed Jawed

APPELLANT

Vs

The State of West Bengal and
Others

RESPONDENT

Date of Decision: July 31, 2012

Hon'ble Judges: Jayanta Kumar Biswas, J

Bench: Single Bench

Advocate: Sanat Kumar Roy, for the Appellant; Pantu Deb Roy for the State, for the Respondent

Judgement

Hon"ble Mr Justice, Jayanta Kumar Biswas

1. Mr. Roy appearing for the petitioner submits that notice offered to Mr. Razzak could not be accepted by Mr. Razzak for his personal reason. Faced with the situation Mr. Roy has invited this Court to direct the STA to give the petitioner a fresh opportunity of presenting his case. Referring to the impugned order of the STA dated December 16, 2010 (WP p.19), Mr. Roy has submitted that the order itself will reveal that the petitioner did not get sufficient opportunity of presenting his case. According to Mr. Roy, Division Bench decision of this Court supports the case of the petitioner that for granting permit for a part of an already formulated route no formulation of an independent route is necessary. His further submission is that question of formulation of route, in any case, does not arise.

2. The impugned order dated December 16, 2010 is quoted below:-

The matter is discussed in S.T.A., W.B. The route passes through K.M.A. area. There is no such formulated route under K.M.A. Hence the application is rejected.

3. It is evident from the impugned order that the STA did not have any occasion to examine the Division Bench decision on which the petitioner wants to rely. The STA was not invited to examine the question whether formulation of route is necessary under provisions of the Motor Vehicles Act, 1988. Although Mr. Deb Roy appearing

for the State has supported the impugned order, I think, on the facts, it will be appropriate to ask STA to give the petitioner a fresh opportunity of hearing so that he may produce the decision of this Court and other provisions of law in support of his case. For these reasons, I dispose of the WP ordering as follows. The impugned order shall be deemed to be set aside. The STA shall decide the petitioner's request for grant of permit afresh giving him opportunity of presenting his case. After examining the decision and provisions of law relied on by the petitioner the STA shall give the decision within eight weeks from the date this order is served. No costs. Certified xerox.