

Mohammed Jawed Vs The State of West Bengal and Others

Court: Calcutta High Court

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.