

## Nasim Ahamed Vs The State of West Bengal and Others

**Court:** Calcutta High Court

**Date of Decision:** July 30, 2012

**Acts Referred:** Constitution of India, 1950 Article 226

**Hon'ble Judges:** Jayanta Kumar Biswas, J

**Bench:** Single Bench

**Advocate:** Arabinda Chatterjee and Ms. Kakali Dutta, for the Appellant; Nirmal Kumar Manna, Md. Zakir Hossain for the State, Mr. Pantu Deb Roy and Mr. Siddhartha Rej for the STA, for the Respondent

**Final Decision:** Dismissed

### Judgement

Jayanta Kumar Biswas, J.

The petitioner in this WP under art. 226 dated July 23, 2012 is alleging inaction on the part of the State

Transport Authority, West Bengal in that the STA has not decided his application for grant of a permanent stage carriage permit dated December

9, 2010 (WP p. 19). Mr Chatterjee appearing for the petitioner submits that the petitioner has no idea why his application for grant of permit was

not taken up by the STA for consideration.

2. There is nothing to show that after submitting the application the petitioner ever made any attempt to ascertain what happened to his application.

Before approaching the Writ Court he ought to have ascertained the position from the office of the STA. His verbal statement that he visited the

office, but could not ascertain the fate, is of no consequence; for correctness of the statement cannot be decided without taking down evidence;

and I find no reason to exercise power under art. 226 for the purpose.

3. An order directing the STA to consider the application, if not already considered, will be vague and speculative; and, in any case, power under

art. 226 is not to be exercised for making such a mechanical order. An order can be made only if it is found that the application has not yet been

decided, and that the inaction, if any, has caused injustice to the petitioner. It is for the petitioner to ascertain what has happened to his application.

For these reasons, the WP is dismissed. Nothing herein shall prevent the petitioner from ascertaining the fate of his application from the office of

the STA and taking steps according to law. No costs. Certified xerox.