

Party Name : KAMAL BHATTACHARJEE Vs THE STATE OF TRIPURA & ANR

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. A. Basak, learned counsel appearing along with Mr. M.K. Arya, learned counsel for the petitioner and Mr. P.K. Pal, learned counsel appearing for the respondents.

By means of this writ petition, the petitioner has urged this court for commanding the respondents, particularly the respondent No.2, to accept their application for consideration of granting contract carriage permit for the route as mentioned in the application dated 18.02.2007 [Annexure-1 to the writ petition], which the petitioner had attempted to file but the receiving clerk of the respondent No.2 refused to accept the said application even though the application is stamped with requisite fee.

Being aggrieved by the said action the petitioner has approached this court by filing this petition under Article 226 of the Constitution of India. The petition has been drawn up in a slip- shod manner. Whatever can be gathered from the said petition is that the drawn- up application for the contract carriage permit has not been accepted by the office of the respondent No.2.

The petitioner has asserted further that on acceptance, the petitioner shall be granted the contract carriage permit of his CNG auto rickshaw to ply on the route as described in the said application [Annexure-1 to the writ petition].

This court is really surprised at the manner the office of the respondent No.2 is conducting their transaction, if the allegations are true. It appears to be truthful.

Mr. P.K. Pal, learned counsel has appeared for the respondents and submitted that to have a contract carriage for a particular route is not an indefeasible right of the petitioner.

Moreover, the routes of Agartala Municipal area are so congested that no new carriage contract permit can be issued in such situation. He has placed a minutes of the meetings of the State Transport Authority, Tripura, held on 09.07.2008.

There cannot be any amount of controversy that any person cannot as a matter of right claim carriage contract permit for a particular route. It is the State Transport Authority who will assess the number of permits given against a particular route and thereafter only the route permit should be granted. But that shall not by itself empower the competent authority to refuse acceptance of the application filed by the person who has purchased the CNG auto-rickshaw or the auto-rickshaw and intended to obtain the route permit.

Having held so, the respondent No.2 is directed to accept the application for contract carriage permit of the petitioner without any objection and thereafter it shall be laid for consideration of the competent authority. After proper stock-taking exercise the authority shall pass a reasoned order. If the respondent No.2 is inclined, he may ask for option from the petitioner whether he would like to have alternative route for his auto-rickshaw or not, if available for giving a contract carriage permit.

With this observation and direction, this writ petition stands allowed to the extent as indicated above.

There shall be no order as to costs.