

GAHC010144332023



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4294/2023

MOTOR TRANSPORT KARMI UNION AND ANR
H.M.S OFFICE , GURUDWARA ROAD,
P.O AND DIST- BONGAIGAON, ASSAM,
REP. BY ITS PRESIDENT,
BIKASH CHAKRABORTY ,
R/O WARD NO 19, BONGAIGAON TOWN,
DIST- BONGAIGAON TOWN, ASSAM

2: BIKASH CHAKRABORTY

S/O- NARAYAN CHAKRABORTY

R/O- NEAR LOKNATH MANDIR
BHAKARIVTA

WARD NO 19
BONGAIGAON TOWN

P.O
P.S AND DIST- BONGAIGAON TOWN
ASSAM
PIN-78338

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE SECRETARY TO THE GOVT OF ASSAM, TRANSPORT
DEPARTMENT, DISPUR, GUWAHATI, PIN-781006

2:THE COMMISSIONER OF TRANSPORT

GOVT. OF ASSAM PARIBAHAN BHAWAN
JAWAHAR NAGAR
KHANAPARA

GUWAHATI-22

3:THE CHAIRMAN
REGIONAL TRANSPORT AUTHORITY

BONGAIGAON
ASSAM

4:THE DISTRICT TRANSPORT OFFICER
BONGAIGAON
ASSAM

5:THE DEPUTY COMMISSIONER
BONGAIGAON
ASSAM

6:THE CHAIRMAN
BONGAIGAON
MUNICIPAL BOARD

BONGAIGAON
ASSA

Advocate for the Petitioner : MR. B J MUKHERJEE, MS R SAHA

Advocate for the Respondent : SC, TRANSPORT, MR. S C BISWAS (R-6),MS. U NANDA (R-6),MS. J GHOSH(R-6),GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE KARDAK ETE

O R D E R

02.12.2024

Heard Ms. R. Saha, learned counsel for the petitioners. Also heard Ms. M. D. Borah, learned Standing Counsel, Transport Department for the respondent nos.1, 2 and 4 and Mr. K. Gogoi, learned Addl. Senior Govt. Advocate for the State and Ms. J. Ghosh, learned counsel

for the respondent No.6.

2. By filing this writ petition, the petitioners, claims to be representing the union for Auto-Rickshaw drivers operating within Bongaigaon town, prays for a direction to the respondent authorities to implement the decision in connection with the fixation of routes for E-Rickshaws in Municipal, town and rural areas of Bongaigaon district.

3. It is the contention of the petitioners that the petitioners herein represent the auto-rickshaw drivers and owners of the auto-rickshaw of Bongaigaon town, who are running the auto rickshaws on the strength of the respective permits on the routes allocated/assigned by the concerned department. The petitioners have been protesting against the unregulated increase in E-rickshaws, which are being allowed to operate on the same routes to the detriment of the petitioners. A meeting was conducted on 18.11.2016, wherein, E-rickshaws have been debarred from plying on the main roads and only be allowed to operate in the byelanes for remote/last mile connectivity. Despite such regulatory measure, the authorities have not taken any action rather are permitting the E-rickshaws to operate on the same routes as that of the petitioners without any road permit.

4. Ms. M. Saha, learned counsel for the petitioners submits that since the petitioners are having a proper licence/permits to ply on the designated routes, allowing the E-rickshaws to operate on the same routes has caused immense hardship to the petitioners including their loss of earning in running the Auto-rickshaws. Therefore, she submits that an appropriate direction may be issued by this Court to streamline the operation of the Auto-rickshaws and the E-rickshaws in their respective area of operation.

5. Ms. M.D. Borah, learned Standing Counsel for the Transport Department referring to the affidavit-in-opposition filed on behalf of the respondent no.4, namely, District Transport Officer, Bongaigaon submits that at the time of registration of E-rickshaws an undertaking is given by the owners that the E-rickshaws will not be operated between main road of the town and the National Highway area. She submits that on the complaint of the petitioners, the authorities have put in place the regularly checking of the E-rickshaws in the town areas as well as the National Highway areas, where to, several violators have been imposed fine and numerous E-rickshaws have also been seized in accordance with the rules. Therefore, the

grievance raised by the petitioners in essence has been redressed.

6. Having considered the submissions of the learned counsel for the parties and on perusal of the response on behalf of the respondent authorities, this Court is of the considered view that no live issue remains to be determined in the present proceedings, as the respondent authorities have put in place the measure of regular checking in the town and the National Highway areas to prevent unauthorised plying of E-Rickshas, during which several violators, i.e E-rickshaws drivers, have been fined and numerous E-rickshaws have also been seized and as the area of operation of the E-rickshaws have already been streamlined by assigning the respective areas/routes.

7. Thus, the present writ petition is disposed of with an observation that the respondent authorities shall allow the petitioners and the E-rickshaws to ply and operate in their respective designated areas/routes in accordance with their respective permits under the Rules.

8. Writ petition stands disposed of.

JUDGE

Comparing Assistant