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05.02.2021
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WPA 3196 of 2021

Kamal Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Saha Roy
Ms. Amrita Kumar.
... for the petitioner.

Mr. B. K. Samanta.
... for the respondent nos. 6 & 7.

Mr. Amal Kumar Sen
Mr. Anand Farmania.
... for the State.

By way of this writ application, the petitioner has prayed mainly for withdrawing, canceling and/or resinding the permanent stage carriage permits in favour of the respondent nos. 6 and 7 of the writ application. His contention is that violating different notifications starting from the notifications dated 20th May, 2003, 6th August, 2004, 11th February, 2005 and the general agenda of the RTA Board meeting held on 16th March, 20156 (vide page 68 of the writ application) those permits have been issued.

His further grievance is that in one writ application being **W.P. 9892(W) of 2019 (Bijay Shaw Vs. The State of West Bengal & Ors.)** and **W.P. 9887(W) of**

2019 (Arun Kumar saha Vs. The State of West Bengal & Ors.) though the Writ Court directed to hear the parties who in the opinion of the RTA, Kolkata Region are necessary to be heard were to be given hearing and a reasoned decision was to be passed. The petitioner submits that though they are parties and necessarily to be heard before taking any such reasoned decision, the RTA, Kolkata Region did not grant them any opportunity of hearing.

The petitioners grievance is that without considering the effect of above notifications and the decision of RTA's own meeting, the two permits were issued to the private respondents being respondent nos. 6 and 7.

After hearing the parties including the learned advocate for the State Authorities, I find that an opportunity of hearing was required to be given to the petitioners, who represent route nos. 24 bus syndicate as the matter relates to route no. route nos. 24, 24A, 24B and 24 A/1. I direct the Principal Secretary, Department of Transport to hear the parties including the petitioner, the Regional Transport Authority and the private respondents or other authorised representatives and to consider the representation given by the route no. 24 bus syndicate dated 14th January, 2021, which

is at page 93 of the writ application. If the private respondents want to file any such representation, they are granted liberty to do so and it should reach before the Principal Secretary at least 10 days before the date of hearing fixed. The Principal Secretary will fix the date of hearing according to his convenience but within a period of 60 days from the date of communication of this order and will take a reasoned decision in respect of the grievances of the parties that would be ventilated before him. Till 15 days after the decision of the Principal Secretary is intimated to the parties, no further new permit in the concerned routes of 24, 24A, 24B and 24 A/1 can be granted by the concerned authority. As a serious question has been raised that the permits to the private respondents have been granted violating all notifications, if it is ultimately found that there was violation in granting the permits to them, the issuance of permit to the private respondents will not create any equity in their favour. The Principal Secretary will communicate his order after hearing the parties within a period of 15 days from the date of hearing.

However, I make it clear that due to the ensuing Legislative Assembly Election, it may not be possible for the

Principal Secretary to hold such a hearing within a period of 60 days as aforesaid and in that event, he should intimate the parties the convenient date of hearing. It is expected that the matter will not be delayed for more than 90 days from the date of communication of this order.

With the above observation and the direction, this writ application is disposed of without any order as to costs.

(Abhijit Gangopadhyay, J.)