

28.06.2021
Court No. 19
Item no.21
CP

WPA 5756 of 2020
with
CAN 2 of 2021

Dayal Chandra Naskar
vs.
State of West Bengal & ors.

(via video conference)

Mr. Arabinda Chatterjee
Mr. Arkadipta Sengupta

....for the petitioner.

Mr. Amal Sen, Ld. A.G.P.
Mr. Sabyasachi Mondal
Mr. Lal Mohan Basu

....for the State.

Mr. Bhaskar Nandi

.....for the private respondents.

Affidavit-in-opposition and affidavit-in-reply
are taken on record.

The writ petition has been filed challenging the inaction on the part of the respondents in taking any action in terms of the representation dated June 11, 2020. The petitioner alleged that 14 persons, who are represented by Mr. Nandi were operating their vehicles in the route being Hatiara to SDF. The said route overlapped a distance of 8 kms with the route in respect of which the petitioner has been given the route permit to ply the bus services. It has been categorically mentioned in the said letter that the

erring vehicles, the details of which was provided by the petitioner should be taken to task by initiation of appropriate proceedings under the Motor Vehicles Act and Rules.

Reliance was also placed on a Division Bench judgment of this court passé in a similar matter.

Mr. Chatterjee, learned senior advocate appearing on behalf of the petitioner has also drawn the attention of the court to the submissions made on behalf of the respondents that the said route permit allegedly given temporarily to those persons was illegal, arbitrary, contrary to law, apart from being contrary to the Division Bench judgment of this court.

CAN 2 of 2021 has also been filed for further reliefs, i.e., injuncting the authorities from allowing such persons to ply their vehicles in the alleged route.

Mr. Sen, draws the attention of the court to a letter written by the Chairman, Regional Transport Authority, Kolkata to the Secretary, Transport Department, Government of West Bengal which has subsequently been filed with the affidavit-in-opposition, to indicate before the court that the authorities upon being aware of the Division Bench order of this court have taken certain steps in the matter. He further submits that the allegations

against the respondents do not survive in view of the fact that all the temporary permits which were given to the persons allegedly plying their vehicles in a portion of the route in respect of which the petitioner has the route permit had either been withdrawn or they had lost their force. Under such circumstances, according to Mr. Sen, the grievance of the petitioner does not survive as the alleged persons who are represented by Mr. Nandi do not have either temporary or permanent route permit to ply in the alleged route in respect of which the petitioner has been given the permit.

Under such circumstances, taking note of the submissions of Mr. Sen who has fairly conceded that the Division Bench judgment should be complied with, I do not find any reason to keep the writ petition pending. For the time being the grievance of the petitioner has taken care of.

The order in this writ petition is limited to the grievance of the petitioner and this court makes no observation on whether the transport authority shall give route permit and other permits to eligible candidates in accordance with law at a later stage.

The writ petition is disposed of. The connected pending application is also disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)