

15.11.2021

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Sl. No. 29

Ct. No. 05

WPA 18365 of 2019

[Via Video Conference]

Bidyut Karmakar & Ors.

-Versus-

State of West Bengal & Ors.

Mr. Amitabha Ghosh

Sk. Sujauddin

Mr. Nabanita Chatterjee

..... for the petitioners

Mr. Srijan Nayak

Ms. Rituparna Maitra

..... for the State

Mr. Jivan Ballav Panda

Mr. Rishan Dutta

Ms. Tiana Bhattacharya

..... for the respondent No. 10

The grievance of the petitioners relates to operating certain kinds of vehicles on a designated route on the strength of permits which were given to the petitioners and the fact that the private respondent, being the respondent No. 10, has engaged vehicles for plying in the same route without the requisite permit. The petitioner prays for an appropriate direction on the Principal Secretary, Department of Transport to restrain the private respondent from engaging any vehicle from plying in the designated route.

Although this Court has sufficient resolution on the maintainability of the writ petition, the limited prayer made on behalf of the petitioners for a direction on the concerned respondent to consider representation

made on 5th September, 2019 can be allowed at this stage.

The State respondents as well as private respondent is represented.

It is submitted on behalf of the State that the respondent No. 2 being the Secretary, State Transport Authority, is the proper authority to decide on the representation made by the petitioners.

In view of the above, the respondent No. 2 is directed to consider the representation dated 5th September, 2019 and pass a reasoned order within four weeks from the date of communication of this order.

Upon hearing all concerned persons, the order must be a reasoned decision and should be passed giving due reasons for the action complained against. A copy of the reasoned decision shall be furnished to the petitioners within two weeks from the date of such decision is taken.

WPA 18365 of 2019 is disposed of in terms of the above direction.

(Moushumi Bhattacharya, J.)