

10.02.2022
sayandeep
Sl. No. 30
Ct. No. 05

WPA 1329 of 2022
[Via Video Conference]

Sk. Abdul Kalam & Ors.
-Versus-
The State of West Bengal & Ors.

Mr. N.I. Khan
Mr. S S. Arifin
Ms. Farida Khatun

..... for the petitioners

Mr. Amal Kr. Sen
Mr. Jaladhi Das
Mr. Lal Mohan Basu

... for the State

The petitioners are aggrieved by a letter dated 4th January, 2022 by the Deputy Superintendent of Police (Traffic), Purba Medinipur by which it is recorded that the petitioners appeared for a hearing on 29th December, 2021 and sought for fifteen days time. The hearing was before the Sub-Divisional Officer, Tamluk, Purba Medinipur. The letter ends with an expectation expressed by the Deputy Superintendent of Police that the petitioners would move their bus stand from the present place to a different place in Tamluk. Although the petitioners are aggrieved by this letter, this Court does not find any specific direction contained in the said letter in default of which the petitioners would be liable for punitive action. On the other hand, the representation made by the petitioners to the District Magistrate, Purba Medinipur on 7th January, 2022 has

not been responded to till date. Since the District Magistrate is the statutory authority to decide on matters relating to the facts in the present matter under Rule 182 of the West Bengal Motor Vehicles Rules, 1989, the writ petition may be disposed of by directing the District Magistrate to consider and dispose of the representation made by the petitioners within six weeks from date by way of a reasoned order. The reasoned order shall be passed upon hearing all concerned parties including the petitioners and needless to say in accordance with the relevant Statute and Regulations. A copy of the reasoned order shall be given to at least one of the eighteen petitioners within a week from which the decision is taken. This order is made subject to deficit Court fees being put in by the petitioners by tomorrow, i.e., 11th February, 2022. The impugned communication shall not be given effect to until the proper authority passes the reasoned order.

The writ petition is disposed of accordingly.

The notice of hearing shall also be given only to the first petitioner as suggested by the learned counsel.

(Moushumi Bhattacharya, J.)