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03.08.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 2572 of 2020

Dilip Ghosh

-vs.-

The State of West Bengal & Ors.

Mr. Arkadipta Sengupta,
Mr. Prisanke Ganguly ...for the petitioner

Mr. Amal Kumar Sen,
Mr. Lal Mohal Basu ...for the State

Learned counsel appearing for the petitioner points out that despite the petitioner having applied for permit to ply auto-rickshaw on route No. 237/Auto-Baruipara to Furfura, the respondent-authorities, while considering the said application, proceeded on the mistaken notion that the petitioner had applied for a different route, that is, Route 27/Auto-Mogra Station to Kuntighat Station via Damra Bhishpara and had rejected the application with the observation that the route falls under KMA and hence may not be allowed at present in terms of the Government order referred to therein.

It is further clarified that fresh application would be considered only after making auto rickshaw policy from the end of RTA, Hooghly.

Upon hearing learned counsel for the parties, it is evident that the respondent-authorities undoubtedly

proceeded on an erroneous premise insofar as the route for which petitioner sought for permit is concerned.

It is also clear from the receipt given to the petitioner, annexed at page 22 of the writ petition, that the number of the application of the petitioner was allotted as PA-129694 dated April 11, 2018, which tallies with the application number given in the impugned order dated September 19, 2018.

There cannot be any doubt that it was the petitioner's application itself which was erroneously decided by the impugned order.

Hence, W.P.A. No. 2572 of 2020 is disposed of by directing the respondent no. 2, that is, the Regional Transport Authority, Hooghly to rehear the application of the petitioner, as annexed at pages 22 and 23 of the writ petition, and upon such hearing, to decide on the same in accordance with law. The entire exercise, it is expected, shall be concluded expeditiously, preferably within four weeks from date.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)