

30.06.2022
KC(8)

M.A.T. 369 of 2022
Vikash Kumar Sahu
-versus-
State of West Bengal and Ors.
With
CAN 1 of 2022
With
CAN 2 of 2022

Mr. Sattwik Bhattacharya,
Mr. Ashutosh Bhattacharya.....For the appellant.

Mr. Amal Kumar Sen,
Mr. Jaladhi Das.....For the State.

Mr. N.I. Khan,
Mr. Amlan Kumar Mukherjee.....For the respondent
no. 8.

The appellant and the private respondent are plying buses on inter-state stage-carriage permit. The states involved are West Bengal and Jharkhand.

At the outset, we say that there is no dispute regarding delineation of route or the length thereof.

The appellant/petitioner is plying buses from Purulia, West Bengal to Jharia, Jharkhand via Chandankiyari 12 Kms. of this route are in West Bengal, whereas 93 Kms. fall in Jharkhand.

The private respondent is an operator between Purulia, West Bengal to Barakar, Jharkhand via Dhanbad. The distance is 136 Kms. out of which 23 Kms. fall in West Bengal and 113 Kms. in Jharkhand.

According to learned counsel for the appellant/petitioner, the private respondent is to strictly follow the route from Purulia to Barakar of 136 Kms. via Chasmore. The complaint is that the private respondent instead of following his allocated route is trenching upon the route of the appellant/petitioner from Purulia to Jharia. The private respondent, according to the appellant/petitioner, is plying buses between Purulia to Barakar via Chandankiyari. The distance of this route is only 105 Km.s.

It is submitted on behalf of the private respondent that he is entitled to take this route of 105 Km.s.

After hearing learned counsel for the parties, we are of the opinion that the Principal Secretary, Transport Department, Government of West Bengal should determine the exact route to be followed by the appellant/petitioner and the private respondent in plying vehicles between Purulia to Barakar via Dhanbad and between Purulia to Jharia.

After such determination, the principal secretary will also determine whether the private respondent is plying vehicles in breach of a sanctioned route or permit. If it is found that such breach is being committed by the private respondent, suitable directions will be made by the principal secretary so that there is strict adherence to the approved route by the parties. The principal secretary will take the

decision within three months from date of communication of this order after hearing all the interested parties, including the appellant/petitioner and the private respondent and by a reasoned order.

The impugned judgment and order is modified to the above extent.

The appeal (M.A.T. 369 of 2022) and the connected applications (CAN 1 of 2022 and CAN 2 of 2022) are disposed of.

(I.P. MUKERJI, J.)

(SUBHENDU SAMANTA, J.)