

AD. 156.
March 31, 2022.
MNS.

WPA No. 4733 of 2022

Lakshmi Rani Das and others
Vs.
The State of West Bengal and others

Mr. N. I. Khan,
Mr. Amlan Kumar Mukherjee

...for the petitioners.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu

...for the State.

Affidavit-of-service filed in Court today be kept
on record.

Learned counsel for the petitioners contends
that a representation of the petitioners given to the
respondent-authorities, as annexed to the present
writ petition, has not been considered till date by the
respondent-authorities.

The tenor of the complaint of the petitioners in
the said representation is two-fold; the primary
allegation is that several vehicles are plying on the
routes of Majdia Station to Paglakhali, Maheshpur
Station to Maheshchandrapur Ghat, and Majdia
Station to Mospur High School within the District of
Nadia, without valid permits and/or with permits
designated for other routes.

It is also contended that the respondent-
authorities are not looking into the question of

congestion, safety and security of passengers, which the authorities are mandated to do under the extant Regulations.

It is contended further in the representation as well as the writ petition that no new permit ought to be granted for plying on the said routes keeping in view the congestion, security and safety of the passengers.

Learned counsel appearing for the respondent-authorities contends that although it is the prerogative of the respondent-authorities to look into the issue of invalid permits being used by people to ply on the routes-in-question, it is beyond the *locus standi* of the petitioners to seek a direction on the authorities restraining them from granting further permits on the routes.

Learned counsel for the respondent-authorities also indicates that it would be helpful to the respondent-authorities to conduct a meaningful enquiry if the petitioners supply the specific registration numbers of the vehicles which are plying illegally on the routes-in-question.

Upon hearing learned counsel for the parties, it appeals to reason that the respondent-authorities have the liability and responsibility to look into the question whether vehicles are plying with illegal and/or invalid permits on the routes-in-question.

However, as rightly submitted by learned counsel for the respondent-authorities, it is beyond the scope of the writ petition or the charter of the court under Article 226 of the Constitution of India to assume administrative powers and substitute the findings of this Court over the discretion of the authorities. Hence, the remedy of restraining the respondent-authorities from issuing further licences/permits for the routes-in-question cannot be granted by the writ court without assessing the relevant factors.

However, the issues raised by the petitioners can be resolved if the respondent-authorities make an enquiry and take appropriate steps in that regard.

Accordingly, WPA No. 4733 of 2022 is disposed of by directing the respondent no. 2 to ensure that the issue of congestion, security and safety of passengers is taken care of by the vehicles plying on the routes: Majdia Station to Paglakhali, Maheshpur Station to Maheshchandrapur Ghat, and Majdia Station to Mospur High School within the District of Nadia, is adequately complied by the vehicles plying thereon. The respondent no. 2 shall also hold an enquiry at the earliest, preferably within two months from date, to ascertain whether vehicles are plying with invalid permits and/or permits of different routes on the aforesaid routes and, if so, to identify such errant vehicles. Upon conducting such

enquiry, the respondent no. 2 shall take appropriate steps and measures as permitted by law in respect of the recalcitrant vehicles on the said routes, at the earliest.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)