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31.03.2022
TN

WPA No.5238 of 2022

M/s. Achhutananda Transport Service
and others

Vs.

The State of West Bengal and others

Mr. Sanat Kr. Roy,
Mr. Abhishek Banerjee

.... for the petitioners

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

.... for the State

Learned counsel for the petitioners argues that the time tables of the petitioners and the respondent no.6, while plying vehicles on their respective routes, are clashing, thereby causing severe prejudice to the petitioners, since the major portion of both the routes are common. The further dispute raised is that the respondent no.6 has been plying his vehicle in contravention of the conditions of his permit.

It is contended that a representation was made accordingly to the respondent-authorities within the contemplation of Rule 119 of the West Bengal Motor Vehicles Rules, 1989 to decide the issue upon hearing

both the sides to the dispute. However, no such action has yet been taken by the respondent-authorities.

Upon hearing learned counsel for the respondent-authorities as well as the petitioners, it is evident that no rights of the parties shall be decided in the event such a direction, as prayed for, is passed by the writ court.

Since, despite service, none appears for the private respondent no.6, the matter is being decided to that effect *ex parte* against the private respondent.

WPA No.5238 of 2022 is, accordingly, disposed of by directing the respondent no.4 to decide the disputes raised by the petitioners in their representation dated February 21, 2022 (Annexure-P/3 at page-18 of the writ petition) in accordance with law and upon giving adequate opportunity of representation to all the parties to the dispute.

It is expected that the respondent no.4 shall complete such process of adjudication as expeditiously as possible, preferably within two months from date, upon giving appropriate notice to the disputing parties.

It is further clarified that this court has not entered into the merits of the respective contentions of the private parties in respect of the dispute.

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.)