

24.02.2022
Court No.13
Item No.7
sp

WPA 6420 of 2021

Rita Mullick

Vs.

The State of West Bengal & Ors.

(Through Video Conference)

Mr. Asis Bhattacharyya

... for the petitioner.

Mr. Biswabrata Basu Mullick,
Mr. Sanjib Das

...for the State

The writ petitioner is aggrieved that despite having a valid permit issued by the office of the District Magistrate, Barasat, North 24 Parganas, Motor Vehicles Department, she is unable to ply her auto rickshaw. The petitioner's permit to ply her auto rickshaw was for Belghoria Station to Birati Station.

It is submitted that the petitioner is being obstructed by certain persons, who are claiming to be part of an Auto Rickshaw Union. It is submitted that the said Union is not registered and is run by a syndicate.

Counsel for the State produces instructions of the Officer-in-Charge, Nimta Police Station dated February 23, 2022 addressed to the Government Pleader. It appears therefrom that the Union had alleged that the petitioner did not have a valid permit. It is also submitted that Nimta Police Station Case No. 219/2021 dated 05.03.2021 has been registered under Sections 341/506/34 of the Indian Penal Code, which has since resulted in Nimta PS CS No. 182/2021 dated 30.03.2021

has also been registered under the same sections against Avik Roy and Noni Gopal Mondal.

The writ petitioner produces a permit and also documents of registration of her auto rickshaw.

As to whether the permit is valid and as to whether the registration documents of the auto rickshaw are in order, is a matter within the domain of the Regional Transport Authority and/or Motor Vehicles Department.

In that view of the matter, the Officer-in-Charge, Nimta Police Station shall ensure that the petitioner is not obstructed in plying her auto rickshaw. Any question with regard to documents of the petitioner may be referred by the Officer-in-Charge, Nimta Police Station to the concerned authority as mentioned hereinabove.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

The instructions dated February 23, 2022 of the Officer-in-Charge, Nimta Police Station is kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)