

16 07.06.2022

Ct-08

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FMA 463 of 2022
with
I.A No. CAN 1 of 2021

Asit Ghosh
Vs.
Samiran Ghosh & Ors.

Mr. Arun Kanti Bera
... For the Appellant

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
... For the Private Respondent/
Writ Petitioner

By consent of the parties the appeal is treated as on day's list and is taken up for hearing along with the application.

The appeal has arisen out of an order passed by a learned Single Judge in a writ petition being WPA 11755 of 2020 filed by the private respondent challenging the timetable issued in respect of the Bus bearing registration no. WB 19G-6094 plying in the route from Karimpur to Krishnanagar.

The petitioner prayed for cancellation of the permit in the said route.

Learned Single Judge stayed the permit granted to the respondent no. 6 by directing that his vehicle not to ply in the said route or any other route in the State of West Bengal, as the learned counsel for the appellant (wrongly mentioned as petitioner) failed to disclose the date when he got the new permit or was unable to show the transfer documents by which the old vehicle was transferred to the present appellant.

The writ petitioner contended in the writ petition that that the Regional Transport Authority could not have given the permission to

the respondent no. 6 to run the said vehicle having B.S III model. However, it is admitted by the private respondent during argument that the said vehicle may not be used in metropolitan city but could be used in the suburb, as the writ petitioner is presently using a vehicle manufactured in the year 2002.

In view of the fact that the said vehicle of the appellant could be plied in the suburb. The only dispute is required to be dissolved with regard to the timetable allotted to the petitioner. In deciding the said issue, the R.T.A is required to take into consideration the conveyance of the commuters and frequencies of the buses in the said route.

It appears from the impugned order that the parties could not reach into conscience in respect of the timetable, as no acceptable timetable was available with the RTA.

We feel that RTA is required to decide the timetable by passing a reasoned order, after giving a reasonable opportunity of hearing to all the stakeholders including the writ petitioner and the appellant, keeping in mind the welfare and convenience of the commuters, within eight weeks from the date of communication of this order.

Moreover, we find that the timetable was available for a temporary period and a final timetable is required to be prepared by the R.T.A.

The impugned order is set aside.

FMA 463 of 2022 along with CAN 1 of 2021 are thus disposed of with the aforesaid direction.

The learned counsel for the parties jointly submit that in view of the aforesaid order nothing remains to be decided in the pending writ petition.

In view thereof, WP 11755 of 2020 is treated as on day's list and disposed of in terms of this order.

The department and Computer Section shall record that WPA 11755 of 20202 is also disposed of today and the same shall not be shown as pending in future.

There will be no order as to costs.

(Siddhartha Roy Chowdhury,J.)

(Soumen Sen, J.)