

AD-24
Ct No.09
22.08.2022
TN

WPA No. 11349 of 2022

Shyamal Mallik
Vs.
The State of West Bengal and others

Ms. Juin Dutta Chakraborty,
Mr. Debasish Kundu

.... for the petitioner

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

.... for the State

During pendency of the writ petition, whereby the consideration of a representation pursuant to a previous order of a coordinate Bench was sought, the respondent-authorities, it is submitted, have already taken a decision on the petitioner's application for route permit in respect of the petitioner's auto rickshaw and rejected the same. When the matter was taken up last on August 02, 2022, it had been submitted that the respondent-authorities had suggested five alternative routes, which could be considered by the respondent-authorities for granting permit to the petitioner to ply his auto rickshaw.

At this juncture, learned counsel for the petitioner submits that the petitioner has certain counter-proposals in respect of the routes. However, since the application of the petitioner itself was

rejected in the meantime, the petitioner intends to withdraw the present writ petition with liberty to challenge the said rejection as well as all steps taken during pendency of the writ petition in a fresh writ petition.

Learned counsel for the respondent-authorities submits that the petitioner did not attend on the dates of hearing scheduled by the authorities. Such contention is controverted by learned counsel for the petitioner.

Be that as it may, in view of the innocuous nature of the prayer made and since the present writ petition for consideration of the representation has, in any event, become infructuous, WPA No. 11349 of 2022 is dismissed as withdrawn, with liberty to the petitioner to challenge the *lis pendens* rejection of the petitioner's application for auto rickshaw permit and the preceding and consequential action taken by the authorities during the pendency of the writ petition by way of a fresh writ petition.

Since no affidavits have been called for, the allegations made in the writ petition are deemed not to be admitted by the respondent-authorities.

It is made clear that the respective contentions of the parties in the present writ petition have not been entered into on merits by this court.

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.)