

AD-09
Ct No.09
01.08.2022
TN

WPA No.15394 of 2022

Pabitra Talukdar
Vs.
The State of West Bengal and others

Mr. Nurul Islam Khan,
Mr. Amlan Kr. Mukherjee

.... for the petitioner

Mr. Pantu Deb Roy,
Mr. Pannalal Bandyopadhyay

.... for the State

The grievance of the petitioner is that, despite the petitioner enjoying a permit issued by the Malda Authorities, duly countersigned by the RTA, Murshidabad, to ply his vehicle from Chanchal in Malda district to Berhampore in Murshidabad, the petitioner has been issued a rotational time-table, along with other operators, for the route from Chanchal to Malda and not up to Berhampur.

Hence, it is submitted by the learned Advocate for the petitioner that the petitioner's valid right to ply his vehicle from Chanchal to Berhampur, that is, over the entire span of his permitted route, has been effectively curtailed arbitrarily for no fault of the petitioner.

Learned counsel appearing for the respondent-authorities submits that all parties concerned were heard while fixing the rotational time-table. However, it is submitted that the learned Advocates are to take further instructions with regard to the entire span of the petitioner's route from Malda to Berhampur with regard to the timings for such span.

Upon hearing learned counsel for the parties, it transpires that the petitioner has a valid, countersigned permit to ply his vehicle from Chanchal to Berhampur. Such route of the petitioner cannot be curtailed subsequently by issuance of time table for a shorter route, without applying due process of law.

Hence, WPA No.15394 of 2022 is disposed of by directing the respondents to ensure that a provisional time-table is issued, upon considering the proposed clash-free time-table submitted by the petitioner and upon hearing the petitioner, for covering the entire route as indicated in the petitioner's permit, that is, from Chanchal to Berhampur, as expeditiously as possible, positively within three weeks from date.

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.)