

WPA 21929 of 2022

Abul Kalam Khan
Vs.
The State of West Bengal & Ors.

Mr. Bhagbat Chowdhuri,
Sk. Nizamuddin,
Ms. Barnali Gupta,

...for the petitioner.

Mr. Amal Kumar Sen,
Mr. Jaladhi Das,

...for the State.

Affidavit of service filed by the petitioner is taken on record.

The petitioner seeks to apply for permit for plying auto rickshaw in route no.115. A coordinate Bench of this Court by an order dated 2nd August, 2011 in WP 11082(W) of 2011 held that since it was submitted by the authorities before the said Court that there was no vacancy in the said route, no useful purpose would be served in issuing a writ of mandamus directing the authorities to accept the application of the petitioner. The petitioner was granted liberty to approach the authority afresh in the event such vacancy arose in future.

Learned counsel for the petitioner submits that the strength of the number of auto rickshwas in the said route has been enhanced and vacancy has thereby arisen. The petitioner seeks liberty to submit a representation accompanied by an application for issuance of permit in the prescribed form before the concerned authority. The

petitioner prays for a direction upon the authority to consider the representation as well as the application at the earliest.

It is submitted on behalf of the respondents that the 2nd respondent be directed to consider the representation submitted by the petitioner in accordance with law.

In view of the same, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation accompanied by application in prescribed form before the 2nd respondent within seven days from date.

The 2nd respondent is directed to consider and dispose of the said application within two months from date of receipt thereof after affording reasonable opportunity of hearing to all the concerned authorities including the petitioner, in accordance with law.

Since the learned counsel for the respondents is not in a position to say whether any subsequent vacancy has arisen, the petitioner need not deposit the requisite fees along with the prescribed form until the authority directs him to do so.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above directions, WPA 21929 of 2022 is disposed of. There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)