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jdt.

28.11.2022
jb.

**W.P.A. 22040 of 2022
(CAN 1 of 2022)
(Netai Patra & Ors. vs. State of West Bengal & Ors.)**

Mr. Anjan Bhattacharyya
Mr. Pradip Kr. Kundu
Sk. Abdus Salam
.... For the Petitioners
Mr. Pandu Deb Roy
Mr. Pannalal Bandyopadhyay
.... For the State

Mr. N. I. Khan
.... For the Applicants (CAN 1 of 2022)/Private Respondents

The petitioners have assailed the report submitted by the Secretary, Regional Transport Authority, South 24 Parganas on 6th September, 2022, Annexure P/4 to the writ petition.

It is submitted on behalf of the petitioners that though permits issued in favour of both the petitioners and the private respondents are in respect of Route Code 207 from Birlapur to Budge Budge Station via Kalipur comprising route length of 8 kilometers, the joint inspection report at Annexure P/3 to the writ petition indicates that the route length from Budge Budge to Birlapur via Kalipur is 10 K.M. The petitioner apprehends that the private respondents are plying their vehicles for the entire area of 10 K.M., whereas the

petitioners have only been permitted to ply their vehicles for 8 K.M. thereby depriving them of the additional 2 K.M. stretch.

Heard learned counsels for the parties.

It is evident from the permit issued in favour of the petitioners as well as the private respondents that the permit pertains to Route Code 207 from Budge Budge Station to Birlapur via Kalipur comprising route length of 8 K.M. The joint inspection report indicates that the route length from Budge Budge to Birlapur via Kalipur is 10 K.M. Needless to mention that Budge Budge to Birlapur via Kalipur is not identical to Budge Budge station to Birlapur via Kalipur and both routes are distinct and different, one being initiated from Budge Budge and the other from Budge Budge station. The report submitted by the Secretary, Regional Transport Authority on 6th September, 2022 clearly demonstrates that the private respondents have been asked to ply their respective auto rickshaws along the route permit granted by the Secretary, Regional Transport Authority, that is, Budge Budge station to Birlapur via Kalipur provided that other vehicle related papers, i.e. certificate of fitness, insurance, road tax, pollution certificate and driving licence of the driver are in order. Therefore, there is no illegality or irregularity in the said report issued by the authority since it has been clearly recorded therein that vehicles should ply in

terms of the permit issued to each one of them and upon possessing required vehicle related papers. Mere assessment of the route from Budge Budge to Birlapur via Kalipur at 10 K.M. does not *ipso facto* mean that the private respondents have been granted permission to ply their auto rickshaws for a stretch of 10 K.M. in contravention of the route length indicated in their respective permits.

In view of the above, nothing remains to be adjudicated in the present writ petition and the writ petition is disposed of accordingly.

Consequently CAN 1 of 2022 stands disposed of.

There shall be no order as to costs.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)