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22.11.2022
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W.P.A. 24543 of 2022
(Debabrata Dutta vs. State of West Bengal & Ors.)

Mr. Soumen Bhattacharjee
.... For the Petitioner

Mr. Pandu Deb Roy
Mr. Pannalal Bandyopadhyay
.... For the State

Heard learned counsels for the parties.

The resolution taken by the Chairman, Regional Transport Authority on 14th June, 2022 is assailed by the petitioner in the writ petition.

It is contended that the petitioner applied for grant of new auto rickshaw permit before the concerned authority upon depositing prescribed fees on 13th August, 2022. In the resolution impugned the authority has rejected the prayer of the petitioner “for contravention of the provision of Clause (6) of Notification No. 268-WT/3M-01/2010 dated 29th January, 2010, Transport Department, Government of West Bengal. Clause 6 of the Notification is set out.

“Grant of 3 wheeled auto rickshaw permit within a particular district only may, however, be considered by the concerned RTA of the district after taking into consideration the road

condition, congestion of road traffic and safety and security of the passengers travelling in such 3 Wheeled Auto Rickshaw as aforesaid, within the ambit and scope of the Motor Vehicles Act, 1988 and Rules framed thereunder.”

Learned counsel for the petitioner submits that the resolution impugned does not contain the reasons for rejection of his prayer and no survey in this regard was conducted by the authority.

Per contra, learned counsel for the respondents submits that route enquiry was held prior to consideration of the prayer of the petitioner and since no parking space was found in and around Chandannagar Railway Station and the area was found to be heavily congested, the prayer of the petitioner could not be acceded to.

Such contention of the respondents is denied and disputed by the petitioner.

Be that as it may, it is crystal clear from the resolution impugned that the said resolution is bereft of any reasoning for rejection of the petitioner’s prayer. The term contravention of the provision of Clause (6) does not mean anything and there is nothing in the said resolution to suggest that survey or route enquiry was undertaken by the authority in arriving at the decision. The resolution impugned is not supported by adequate reasoning and is required to be revisited by the authority.

Upon consideration of the submission made on behalf of the parties and material on record the writ petition is disposed of directing the concerned authority to revisit the prayer of the petitioner seeking new auto rickshaw permit and pass a reasoned and speaking order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner within one month from the date of communication of this order, in accordance with law.

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

The resolution impugned dated 14th June, 2022 is hereby set aside/quashed.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

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

(Suvra Ghosh, J.)