

23.11.2022
jb.

W.P.A. 25083 of 2022
(Amit Chatterjee vs. State of West Bengal & Ors.)

Mr. N. I. Khan
Mr. Amlan Kr. Mukherjee
.... For the Petitioner

Mr. R. N. Pal
.... For the State

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

Heard learned counsels for the parties.

The petitioner was issued permit in respect of stage carriage, which is valid up to 17th January, 2024. Time table was issued in favour of the petitioner on 3rd March, 2020 which was extended from time to time. The petitioner faced difficulty in plying his vehicle in the said route due to severe resistance offered by the local operators for which the petitioner approached the authority for revision of the time table. A provisional revised time table was issued in favour of the petitioner on 16th February, 2022 which was extended from time to time and is valid up to 16th December, 2022. The petitioner again faced resistance from local operators for

which he was constrained to approach the authority by a letter issued on 7th April, 2022. A hearing was called for in presence of the petitioner as well as the objectors who raised verbal objection to the revised time table issued in favour of the petitioner without filing any objection before the authority in writing. Upon consideration of the submission made by all the stakeholders the concerned authority issued a revised time table in favour of the petitioner on 19th July 2022. The decision of the authority was not officially communicated to the petitioner.

It is submitted on behalf of the petitioner that since the earlier time table is valid till 16th December, 2022, the subsequent revised time table ought not to have been issued by the authority on the basis of verbal objection raised by the other operators. The petitioner submitted a representation before the concerned authority in this regard on 1st September, 2022 which is yet to be considered. The petitioner prays for direction upon the authority to consider the representation at the earliest and allow him to continue with the earlier time table which is valid up to 16th December, 2022.

It is submitted on behalf of the respondents that the 4th respondent be directed to consider the representation, in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose

of the representation submitted by the petitioner dated 1st September, 2022 upon affording reasonable opportunity of hearing to the petitioner as well as other affected persons within four weeks from the date of communication of this order, in accordance with law.

Since the provisional revised time table issued in favour of the petitioner is expiring on 16th December, 2022, the petitioner shall continue to ply his vehicle as before till disposal of the representation.

The writ petition is thus 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.)