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08.02.2023
Ct. No.10
b.das

W.P.A. 1478 of 2023
Sunit Kumar Das
vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Mr. P. K. Kundu ...for the petitioner.

Mr. Chandi Charan De
Mr. Pantu Deb Roy
Mr. A. Sarkar
....for the State.

Mr. N. I. Khan
Mr. A. K. Mukherjee ...for the private respondents.

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

Heard learned counsels for the parties.

The writ petitioner has prayed for issuance of writ of mandamus directing the respondent authorities to implement and execute the order passed on 28th November, 2022 by this Court in WPA 22040 of 2022. Relevant portion of the said order is set out hereinbelow:

“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.”

Learned counsel for the petitioner submits that despite such order, the private respondents are plying their vehicles beyond the 8 kilometres stretch as laid down in their respective permits.

Per contra, learned counsel for the private respondents submits that the private respondents have been plying their respective vehicles in terms of the order of the Secretary, Regional Transport Authority, South 24 Parganas issued on 6th September, 2022 and have not exceeded the stretch of 8 kilometres as recorded in their respective permits.

The petitioner submitted a representation in this regard before the concerned authority on 20th December, 2022, which is yet to be considered. The petitioner prays for a direction upon the authority to consider his representation at the earliest.

Upon consideration of the submission made on behalf of the parties and material on record the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 20th December, 2022 within a period of four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondents or their authorised representatives, in accordance with law.

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

With the above observations and directions this writ petition being WPA 1478 of 2023 is disposed of.

However, there shall 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 the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)