

May 15, 2023
(981) ARDR

WPA 2690 of 2023

Samir Mahishya
Vs.
The State of West Bengal & ors.

Adv. N. I. Khan,
Adv. Amlan Kr. Mukhejee,
...for the petitioner.
Adv. Srijan Nayak,
Adv. Rituparna Maitra,
...for the State.

The petitioner applied for contract carriage permit before the concerned authority on 28th January, 2020. The matter was placed before the Regional Transport Authority (RTA), Purba Bardhaman and by a resolution of the RTA in a board meeting held on 17th March, 2020, the petitioner was requested to submit modified route along with MVI report. Offer letters were issued to several other operators upon approval of their respective applications. Pursuant to an order passed by this Court in several writ petitions on 23rd September, 2021 directing the RTA to take up each of the matters in the next board meeting and pass necessary directions thereto, the petitioner's case was placed before the Board and in the resolution taken in the meeting dated 30th April, 2022, it was recorded that more than 30 per cent of the route proposed by the petitioner overlapped bus route and also overlapped more than three kilometers of NH/SH which is in violation of the notification issued by the Transport Department. The petitioner was requested to

apply with the modified route. The said resolution is under challenge in the writ petition.

It is submitted on behalf of the petitioner that the bus route as well length of the route has not been specified in the resolution.

Learned counsel for the State respondents submits that it is a fact that the route length and the particulars of the bus route in respect of which the overlapping has been observed is not recorded in the resolution.

In view of the above, this Court is inclined to hold that the authority be directed to revisit the issue and record a reasoned resolution specifying the particulars of the bus route which may be overlapped in the event the request of the petitioner is granted and also the length of such route.

The resolution taken in the RTA board meeting held on 30th April, 2022 insofar as the petitioner is concerned is set aside.

The writ petition is accordingly disposed of directing the 2nd respondent to revisit the request of the petitioner for grant of contract carriage permit within one month from the date of communication of this order upon affording reasonable opportunity of hearing to the petitioner, in accordance with law.

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

With the aforesaid directions, WPA 2690 of 2023 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 on usual undertakings.

(Suvra Ghosh, J.)