

13.06.2023
rc/ct.no.10
Item No.103

WPA No. 3501 of 2023
Brundaban Gaana
Versus
The State of West Bengal & Ors.

Mr. N.I.Khan
Mr. Amlan Kr. Mukherjee ...for the petitioner

Mr. Arun Kanti Bera
Sk. Samim Akhtar
Mr. Chayan Debnath
 ...for the respondent nos. 12&13

Mr. Pantu Deb Roy
Mr. Pannalal Bhattacharyee ...for the State

The petitioner claims to be holder of a stage carriage permit in the inter state route Puri to Haldia via Jalswar, which is valid till January 15, 2024. The private respondents were granted permit by the State Transport Authority, West Bengal in the route Ghatal to Bhubaneswar via Tarakeswar, Chinsurah, Nandakumar, Bajkul, Henria, Egra, Solpatta, Cuttack and back. The petitioner alleges that the private respondents are not plying their respective vehicles in the entire route and are plying in the route Nandakumar to Bhubaneswar which is not authorised in the permit, in violation of the conditions of the permits issued in their favour. The petitioner submitted an objection in this regard before the concerned authority on September 01, 2022 which is yet to be considered. The petitioner prays for consideration of the said objection at the earliest.

It is submitted on behalf of the private respondents that pursuant to the objection filed by the petitioner a notice of hearing was issued by the concerned authority and though the private respondents were represented before the authority on the date of hearing, none turned up for the petitioner in the hearing. Learned counsel submits that the hearing may have been concluded on the relevant date.

It is submitted on behalf of the State-respondents that the 2nd respondent be directed to consider and dispose of the objection submitted by the petitioner, if not already disposed of, in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the objection submitted by the petitioner on 1st September, 2022, if not already disposed of, within a period of six weeks from the date of communication of this order, after giving reasonable opportunity of hearing to all the affected persons including the petitioner and the private respondents, in accordance with law.

With the above observations and directions this writ petition is disposed of.

There shall be, however, 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 this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)