

12.07.2023
rc/ct.no.10
Item No.102

WPA No. 4084 of 2023
Samrat Bit
Versus
The State of West Bengal & Ors.

Mr. S.N.Mukherjee
Sk. Samim Akhtar
Mr. Niraj Gupta
Mrs. Afroja Nusrat ...for the petitioner

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu ...for the ECL

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

There has been series of litigations between the parties with regard to issuance of clash free time table in favour of the petitioner. In earlier writ petitions filed before this Court, the concerned authority was directed to issue such clash free time table in favour of the petitioner upon considering the applications submitted by the petitioner before the authority in this regard. In the hearing held by the concerned authority, both the petitioner and the existing operators sought accommodation for amicable settlement of the issue. Since no such amicable settlement could be arrived at, a further hearing was called by the Secretary, Regional Transport Authority, Hooghly with a request to the operators to produce a comprehensive report on the time of departure of their respective vehicles from Tarakeswar

towards Bankura along with copies of time table. Finally the concerned authority by a letter issued on January 16, 2023, fixed up a time table against the vehicle no. WB 17N 2530 belonging to the petitioner which was valid upto June 30, 2023. Being aggrieved by the said time table the petitioner submitted an objection before the concerned authority on January 30, 2023 requesting modification of the same. The said objection is yet to be concerned. The petitioner prays for a direction upon the authority to consider the objection and issue a clash free time table in favour of the petitioner in order to enable the petition to ply his vehicle in the route effectively.

It is submitted on behalf of the respondents that on each occasion notice of hearing was served upon the petitioner as well as the association comprising other operators existing operators of the route in question and since no amicable settlement was arrived at between them, the authority, by an order passed on January 16, 2023, issued a clash free time table in favour of the petitioner.

Upon consideration of the submission made on behalf of the parties and material on record, this Court is inclined to hold that since the petitioner has filed an objection against the time table issued in his favour vide a letter dated January 16, 2023, the objection be dealt with and dispose of by the concerned authority upon

hearing the petitioner as well as other existing operators of the route.

Accordingly, this writ petition is disposed of directing the 4th respondent to consider and dispose of the objection submitted by the petitioner dated January 30, 2023 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to the petitioner and the existing interested operators of the route, in accordance with law.

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

Pending disposal of the objection, the petitioner is at liberty to ply his vehicle in terms of the time table issued in his favour on January 16, 2023 without prejudice to his rights and contentions.

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)