

June 13, 2023
(107) ARDR

WPA 8831 of 2023

Sk. Saidul Islam
Vs.
The State of West Bengal & Ors.

Adv. Sanat Kumar Roy,
Adv. Abhishek Banerjee,
...for the petitioner.
Adv. Sankar Nath Mukherjee,
Adv. Sk. Samim Akhtar,
Adv. Afroja Nusrut,
...for the respondent no.7.
Adv. Pantu Deb Roy,
Adv. Pannalal Bhattacharyay,
...for the State.

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

Pursuant to an order passed by this Court on 1st February, 2023 in WPA 1127 of 2023, the Secretary, State Transport Authority, West Bengal, upon receiving reports from the respective RTOs and upon admission made by Omkar Show, 7th respondent herein, recorded that the 7th respondent admittedly made a mistake in not completing the entire route from Garbeta to Pahalampur in terms of the permit issued in his favour. The said respondent agreed to pay a fine of Rs.35,000/- as penalty and submitted an affidavit admitting the mistake. He was sternly warned not to violate permit conditions henceforth.

Learned counsel for the petitioner submits that despite such direction/observation, the private respondent continued to ply his vehicle from Bishnupur to Arambagh

without touching the terminal points, in violation of the conditions of the permit issued in his favour. The petitioner submitted a further complaint before the concerned authority in this regard on 3rd April, 2023, which is yet to be considered. Though a date of hearing of the said objection was fixed by the authority, the same could not be heard since the private respondent refrained from appearing before the authority on the said date. The petitioner seeks a direction upon the authority to consider the complaint filed by him at the earliest.

It is submitted on behalf of the State respondents that the 3rd respondent be directed to consider the complaint in accordance with law.

Learned counsel for the private respondent submits that he may be given an opportunity of hearing before the authority at the time of hearing.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the complaint submitted by the petitioner dated 3rd April, 2023 within 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 respondent, 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 8831 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.)