

WPA 10422 of 2023
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CAN 1 of 2023

Kuntal Ghosh & Ors.
Vs.
The State of W.B. & Ors.

Mr. Bhaskar Nandi ...for the petitioners.

Mr. Pantu Deb Roy
Mr. P. Bandyopadhyay ...for the State.

Mr. N. I. Khan
....the applicant in CAN 1 of 2023.

In re: **CAN 1 of 2023**

The applicants claim to be operators in route No.24B and seek to be impleaded as a party respondents to the writ petition since they are necessary and proper parties herein.

By consent of the parties, the application is allowed.

The applicants be impleaded as respondent Nos.8 to 11 in the writ petition. The cause title of the writ petition be amended accordingly.

The application being CAN 1 of 2023 is disposed of.

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

Heard learned counsels for the parties.

The petitioners are holders of permanent stage carriage permits in respect of route No.28 from Howrah Maidan to Sealdah. The petitioners complain that though

the operators in route No.24B were granted permit for plying their vehicle in the route Dhangarpara to Howrah, the said operators are plying their vehicles from Howrah to Barafkal in violation of the permits issued in their favour.

The petitioners raised objection to the said violation which was taken up for consideration by the RTA Board and by a resolution taken on 30th August, 2022, the Board decided to give an opportunity of 10 days to the route committee of route 24B to submit an affidavit with declaration of compliance to the original route alignment.

The Secretary, Regional Transport Authority was also requested to send intimation to Enforcement wing to keep regular vigil on plying of buses in route No.24B and take appropriate action against violation noticed, if any.

The petitioners complain that the operators being added respondents herein have failed to comply with the said direction of the Board for which they submitted an application before the concerned authority seeking implementation of the resolution taken by the authority by the added respondents.

Learned counsel for the petitioners submit that the said application has not been considered by the authority as yet and prays for a direction upon the authority to consider the application at the earliest.

It is submitted on behalf of the added respondents that the added respondents filed an application before the

Additional Director, Transport Department PVD, Kolkata Zone on 18th July, 2022 requesting curtailment of the route from Barafkal to Dhangarpara pursuant to which opinion of Deputy Commissioner of Police, Traffic Department was sought by the Secretary, RTA, Kolkata region.

By a letter issued on 27th July, 2022, the Deputy Commissioner of Police issued no objection to the proposed curtailment of the route. Since the request made by the added respondents was not finally decided by the Board, the added respondents filed a writ petition before this Court being WPA 12158 of 2023.

By an order passed on 6th June, 2023, this Court directed the concerned authority to consider and dispose of the application submitted by the added respondents herein within six weeks from the date of communication of this order upon grant of reasonable opportunity of hearing to all the interested persons including the added respondents and others and upon taking into consideration the submission made by each of the interested persons as well as objections filed by the other operators.

It is submitted on behalf of the parties that the application of the petitioners be directed to be taken up for consideration by the concerned authority along with the application filed by the private respondents.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the application submitted by the petitioners dated 9th November, 2022 along with the application filed by the private respondents which is pending before the authority within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders and taking into consideration the objection, if any, that may be filed by each of the interested persons.

The decision taken by the authority shall be communicated to the petitioners within a week thereafter.

With the above observations and directions this writ petition being WPA 10422 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 this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)