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03.04.2023
Ct. No.10
b.das

W.P.A. 13023 of 2019

Binda Prasad Roy
Vs.
State of W.B. & Ors.

Mr. Dilip Kr. Samanta
Mr. B. Samanta
Ms. T. Paul ...for the petitioner.

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

None appears for the State respondents despite service.

Mr. Santanu Kumar Mitra, who usually appears for the State and is present in Court, is requested to represent the State in the matter. His appointment be regularized by the office of the learned Legal Remembrancer.

The petitioner should serve copy of the writ petition alongwith all annexures thereto to Mr. Mitra in course of this day.

It is contended on behalf of the petitioner that being the highest bidder in the e-allotment floated by the respondents in January, 2003, the petitioner was allotted one shop room in the Band Stand bus terminal upon depositing security deposit of Rs.40,000/- and was paying

rents to the Eden Gardens Bus Terminal Management Committee upto May, 2018 for the same.

The authority has stopped receiving rents from the petitioner since June, 2018 despite several attempts being made by the petitioner.

The petitioner submitted a representation before the concerned authority on 11th February, 2019 requesting receipt of rent which has not been considered as yet. The petitioner prays for a direction upon the authority to consider the representation and continue to receive rents from him at the earliest.

It is submitted on behalf of the respondents that by virtue of notification issued in favour of the respondents on 7th February, 1996, the Secretary, RTA, Kolkata region was authorised to look after the management of Band Stand bus terminal.

The said authority by a letter dated 9th July, 2014 requested the Principal Secretary to the Government of West Bengal, Transport Department for revocation of the notification issued on 15th March, 1996 by restoring the notification dated 7th February, 1996 authorising the West Bengal Surface Transport Corporation to perform such functions. The said communication is, according to learned counsel for the respondents, yet to be answered.

Be that as it may, since representation submitted on behalf of the petitioner before the Secretary, Regional Transport Authority, being the 3rd respondent herein, is

pending, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioner dated 11th February, 2019 within eight weeks from the date of communication of this order after affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

In considering the representation, the 3rd respondent shall be at liberty to inspect the relevant records, if any, which are lying with the Transport Department.

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

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to deal with the representation submitted by the petitioner independently and without being influenced by any observation which may have been made in this order.

With the above directions, the writ petition being W.P.A. 13023 of 2019 is thus 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.)