

M/L. 30.
March 29, 2023.
MNS.

CPAN 630 of 2022
in
WPA No. 4221 of 2022

Sk. Sajed Ali and others
Vs.

Smt. Priyanka Singla, District Magistrate,
Purba Bardhaman and another

Mr. N. I. Khan,
Mr. Amlan Kumar Mukherjee

... for the writ petitioners.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay

...for the alleged contemnors.

Learned counsel for the petitioners submits that the order dated March 29, 2022 passed in WPA No. 4221 of 2022 was grossly violated by the alleged contemnors.

By placing reliance on the ordering portion thereof, it is contended that the writ petition was disposed of by directing the respondent no. 2, the Regional Transport Authority (RTA), to conduct an enquiry into the allegations raised by the writ petitioners with regard to the alleged illegal plying of the vehicles in Purba Bardhaman and to take appropriate action and take adequate measures against such illegal plying of vehicles and on

serving adequate notices on the alleged miscreants, who are plying vehicles illegally, to take appropriate follow-up action against them in accordance with law.

It is submitted by learned counsel for the petitioners that although a show cause notice was issued as to why the permits of the said offenders would not be cancelled, ultimately the authorities handed over only suspension orders to them, which means that subsequent to the suspension period, the operators would be entitled to ply their vehicles again.

Learned counsel appearing for the alleged contemnors submits by placing reliance on the latest affidavits filed by the alleged contemnors that adequate action was taken in compliance with the order of this court.

By placing reliance on the annexures to the said affidavit, it is argued that all the operators as mentioned therein, who were hauled up for permit violation, were suspended with immediate effect by the order dated December 3, 2022 passed by the Chairman of RTA, Purba Bardhaman in the RTA Board Meeting. The suspension, it was further recorded, shall not be withdrawn until realization of Rs. 10,000/- as the

fine amount imposed earlier in this regard. The Superintendent of Police, Purba Bardhaman, was also requested by the District Magistrate to take strict action against the illegal plying of the vehicles mentioned therein till the realisation of the fine amount.

It is further submitted by placing reliance on the said annexures that subsequently on December 5, 2022, the District Magistrate, Purba Bardhaman gave a written communication to the Superintendent of Police, Purba Bardhaman to the effect that the Superintendent of Police may take action against the illegal plying of the vehicles mentioned in the said communication till realisation of the fine amount. It was also recorded by the District Magistrate in the communication to the Superintendent of Police not to allow such vehicles to ply on the routes not specified in their permits.

Learned counsel for the petitioners, by placing reliance on the photographs annexed to the affidavit-in-reply filed by the petitioners, seeks to impress upon the court that it is evident from those that the recalcitrant vehicles are still now plying by displaying on their board the route for which they do not have permit.

Hence, it is submitted that the order of this court has been rendered toothless.

However, it is seen from the affidavits-in-opposition filed by the alleged contemnors that the District Magistrate and the RTA took full measures in consonance with the order of this court. Not only did they suspend the offending vehicles but also they were also not permitted to ply on the routes-in-question unless and until the fine amount imposed was realised from them.

It cannot be determined finally, without giving an opportunity of hearing to the accused bus operators, merely on the basis of certain photographs annexed to the affidavit-in-reply in the contempt proceeding, that the display of the prohibited routes would *ipso facto* amount to actually plying the vehicles on such routes.

It is required to be ascertained on facts as to whether the said offenders are actually plying the vehicles still on the prohibited routes without paying the amount of fine imposed on them.

Hence, it is entirely beyond the scope of the present enquiry, which is confined to the adjudication of the contempt application, to come to a final conclusion as to the merits of the subsequent allegations made by the petitioners.

That apart, whatever may be the subsequent cause of action of the petitioners regarding non-compliance of the orders of the respondent authorities by the allegedly recalcitrant operators, the same furnishes fresh cause of action mandating the petitioners to take out a separate writ petition, within the ambit of which such allegations may be explored and examined.

However, in view of the above discussions, I do not find that the order of this Court has been deliberately flouted or violated by the alleged contemnors in any manner whatsoever.

Accordingly, CPAN 630 of 2022 is disposed of by giving liberty to the petitioners to take out fresh writ petitions, if aggrieved by subsequent causes of action, before the appropriate court.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)