

885
jdt.

13.09.2023
jb.

W.P.A. 15184 of 2023
(Kamal Kr. Das & Ors. vs. State of West Bengal & Ors.)

Mr. N. I. Khan
Mr. Amlan Kr. Mukherjee
.... For the Petitioners

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
.... For the State

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

The petitioners are stage carriage permit holders in the notified route 235 from Amtala to Swasthya Bhawan. The petitioners approached the concerned authority for curtailment of their route in order to enable them to ply their buses from Amtala to Rajabazar Science College. The Regional Transport Authority, Kolkata called for opinion from the DCP (T), Traffic Department, Lalbazar and DCP(T), Bidhannagar Police Commissionerate with regard to such curtailment from the traffic point of view and also in order to ascertain whether any inconvenience would be caused to the public if such diversion was allowed. Both the police authorities endorsed no objection to the proposed route alignment.

The authority received objections from the inhabitants of Diamond Harbour Road to Salt Lake

Beliaghata area against the route curtailment and upon consideration of the said objections, turned down the request of the petitioners for curtailment of the route No. 239.

Learned counsel for the petitioners submits that no opportunity of hearing was granted to the petitioners before the order impugned was passed and also, the objections raised by the inhabitants not disclosed to the petitioners by the authority.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that since the order impugned dated 12th April, 2023 was passed by the RTA, Kolkata without extending an opportunity of hearing to the petitioners and since the order is silent with regard to the grounds of objections raised by the inhabitants and the manner in which the authority dealt with the same, the order is required to be set aside.

In view of the above, the order/resolution of the RTA, Kolkata on 12th April, 2023 is set aside.

The 2nd respondent is directed to revisit the issue upon affording reasonable opportunity of hearing to all the concerned persons including the petitioners and pass a reasoned and speaking order on consideration of the contention of the petitioners as well as the objections raised by the inhabitants. The entire exercise

is expected to be completed within two months from the date of communication of this order, in accordance with law.

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

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)