

July 25, 2023
ARDR
(216)

WPA 16928 of 2023

Bimal Kumar Das
Vs.
The State of West Bengal & Ors.

Adv. Barun Kumar Das,
...for the petitioner.
Adv. Soumitra Bandyopadhyay,
Adv. Suchana Banerjee,
...for the State.

The petitioner being a permanent permit holder in respect of vehicle WB-31/3301 applied before the respondents for curtailment of route from Beta to Tajpur covering almost seven kilometers, by an application filed on 1st February, 2022.

The petitioner's prayer was turned down by the authority which was challenged by the petitioner before this Court in a writ petition being WPA 4197 of 2023. By an order passed on 16th May, 2023, this Court granted liberty to the petitioner to submit a comprehensive representation before the concerned authority within seven days from the date of the order and the concerned authority was directed to consider and dispose of the representation within six weeks from the date of receipt thereof. In the said order, this Court observed that it *prima-facie* appears from the permit issued in favour of one Sakti Pada jana that similar prayer for curtailment of the route from Beta to Tajpur was allowed by the concerned authority by an order passed on 14th August,

2015 and the petitioner appears to be similarly circumstanced with the said applicant.

Learned counsel for the petitioner submits that comprehensive representation was submitted by the petitioner before the concerned authority in compliance with the order of this Court on 9th June, 2023. The concerned authority being the Secretary, State Transport Authority, West Bengal, by an order passed on 27th June, 2023, dealt with the earlier representation submitted by the petitioner on 2nd February, 2022 and not the comprehensive representation submitted on 9th June, 2023.

It appears that though the petitioner submitted a comprehensive representation before the concerned authority in compliance with the order of this Court on 9th June, 2023, the authority has dealt with the earlier representation submitted by the petitioner on 2nd February, 2022 and has turned down the same. The earlier representation was rejected by the authority earlier against which the writ petition being WPA 4197 of 2023 was filed by the petitioner.

In view of the above, this Court is inclined to hold that since the concerned authority has not dealt with the representation submitted by the petitioner on 9th June, 2023 in compliance with the order of this Court, the order impugned dated 27th June, 2023 is required to be set aside.

Accordingly, the order impugned dated 27th June, 2023 passed by the Secretary, State Transport Authority, West Bengal is set aside.

The Secretary, State Transport Authority, West Bengal, being the 3rd respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated 9th June, 2023 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner and in the light of the observation made by this Court in the order passed on 16th May, 2023 in WPA 4197 of 2023.

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

With the above directions, WPA 16928 of 2023 is disposed of.

There shall however, 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)