

22.08.2023
rc/ct.no.10
Item No.125

WPA No. 20027 of 2023
Pradip Banerjee & Ors.
Vs.
The State of West Bengal & Ors.

Mr. D.K.Samanta ...for the Petitioners

Mr. Soumitra Bandyopadhyay
Mr. Suchana Banerjee ...for the State

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

The petitioners assailed the notification issued on June 06, 2014 by the District Magistrate, Burdwan, published in the official gazette on October 30, 2014 in 10 separate writ petitions. The writ petitions being dismissed by a coordinate Bench of this Court by a common order dated September 02, 2022, the petitioners carried the order in appeal being MAT No. 1534 of 2022. By an order passed on July 26, 2023, the Hon'ble Division Bench of this Court dismissed the appeals along with connected applications. Paragraph 22 of the judgment in appeal records as hereunder :-

“22. Mr. Samanta has asked this Court to indicate that the text of the notification in the paragraph 9 indicates that it does not apply to Burdwan Town. Mr. Chatterjee appearing for the private respondent submits that the notification does not indicate as such. This Court does not

venture to clarify the notification in question. The notification shall speak for itself.”

In view of such observation made by the Hon’ble Division Bench, the petitioners submitted a representation before the District Magistrate, Purba Burdwan on August 04, 2023 for a clarification as to whether the paragraph 9 of the notification applies to Burdwan town and also whether the vehicles plied by the petitioners are exempted from the said notification. The representation is yet to be considered. The petitioners pray for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State-respondents that the 2nd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation filed by the petitioners on August 04, 2023 within a period of six weeks from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law.

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

It is made clear that this Court has not gone into the merits of the case and the 2nd respondent shall be at

liberty to deal with the representation submitted by the petitioners independently in accordance with law.

With the above observations and directions this writ petition being WPA No. 20027 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 upon compliance of necessary formalities.

(Suvra Ghosh,J)