

04 19.09.2023
Ct. No. 01

AN

WPA(P) 482 of 2023

Ramen Das & anr.
Vs.
State of West Bengal & ors.

Mr. Prasad Bagchi
Mr. Anindya Lahiri
Mr. Samrat Dey Paul

... for the petitioners

Mr. Amal Kr. Sen, ld. AGP
Mr. Lalit Mohan Mahata

... for the State

1. By way of this writ petition styled as a Public Interest Litigation, the petitioner seeks to question a policy decision taken by the Government of West Bengal pursuant to a notice dated 04.05.2023 by which the auto rickshaws which are plying have been called upon so that they can be considered and appropriate orders can be passed.

2. The grievance of the petitioners is that the area in question is a very congested area and already there are more than 400 permits which have been issued for the auto rickshaws which are plying. Apart from that Totos are also issued permits and another 599 auto rickshaws are to be permitted and, if permitted, it will be against the public interest and it will affect the people in the locality. Firstly, the challenge by the writ petitioner is to a policy decision taken by the Government and this cannot be interfered with on the grounds which have been set out by the writ petitioner in the writ petition.

3. Learned counsel representing the State also

pointed out that in the year 2018 there was a notification issued by the Transport Department, Government of West Bengal with regard to the grant of auto rickshaw permit which was challenged by the writ petitioner in a writ petition being W.P. 5280(W) of 2019 which was dismissed by order dated 12.03.2019 and an intra-Court appeal being MAT 562 of 2019 was filed which was disposed of without interfering with the policy decision with a direction that not only the unauthorised auto rickshaws should be considered for regularization but fresh applications are also to be accepted. It is submitted by the learned counsel representing the State that after a lot of thought process, the Transport Department, Government of West Bengal has issued notification dated 21.03.2023 in this regard.

4. Thus, considering the facts and circumstances of the case, we are not inclined to interfere with the policy decision taken by the Government on the grounds set out by the petitioner, however, when the authorities received the application pursuant to the notice dated 04.05.2023, the authorities have to take a decision as to whether there is need for additional auto rickshaw permits to be issued in the area in question. If already there are several number of authorized auto rickshaws plying in the area, granting further auto rickshaw permit in the same area also may result in traffic congestion and unhealthy competition. Therefore, this aspect of the matter should be considered by the authorities while taking a decision on the applications which have been called for pursuant to the impugned notice

dated 04.05.2023.

5. With the above directions, the writ petition stands **disposed of**.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)