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jdt.

29.09.2023
jb.

W.P.A. 21825 of 2023
(Atanu Ghosh vs. State of West Bengal & Ors.)

Mr. Sanat Kr.Roy
Mr. Abhishek Banerjee
.... For the Petitioner

Mr. Pantu Deb Roy
Mr. Jaladhi Das
.... For the State

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

The petitioner was granted permit by the Secretary, Regional Transport Authority, Burdwan in the route Monikhati to Nawabhat which is valid till 27th March, 2024.

It is submitted on behalf of the petitioner that a notification was issued by the District Magistrate, Burdwan on 31st October, 2014 restricting plying of buses through Burdwan Town and old G. T. Road. The petitioner submits that the petitioner's vehicle falls within the exception laid down in the said notification. The petitioner submitted a representation in this regard before the District Magistrate, Purba Burdwan on 14th August, 2023 requesting the authority to determine whether the petitioner's vehicle falls within the exception laid down in the notification. The representation is yet to be considered. The petitioner

prays for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the notification dated 31st October, 2014 has been upheld by a co-ordinate Bench of this Court, an Hon'ble Division Bench of this Court as well as the Hon'ble Supreme Court of India.

There is no quarrel with regard to the notification dated 31st October, 2014 and the same is not under challenge in the present writ petition. The petitioner only seeks a clarification from the authority as to whether his vehicle is covered by the exception laid down in the notification.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioner dated 14th August, 2023 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

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

Pending disposal of the writ petition the petitioner shall continue to ply his vehicle in terms of the permit issued in his favour.

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.)