

Item No.8

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

22.12.2023
Ct-24

WPA 23453 of 2023
Jayanta Ghosh & Ors.

v.

The State of West Bengal & Ors.
with
CAN 1 of 2023

Mr. S.P. Chattopadhyay
Mr. Arjun Samanta
... for the petitioners.

Mr. Debabrata Chatterjee
Mr. Simanta Kabir
... for the Basirhat Municipality.

Mr. Amal Kumar Sen, Ld. AGP.
Ms. Ashima Das (Sil)
... for the State.

Mr. K.M. Hossain
Mr. Tirthankar Murmu
... for the applicant in CAN 1 of 2023.

The petitioners are running e-Rickshaws within the Basirhat Municipality.

The Municipality adopted a resolution on August 18, 2023 with regard to the supervision and formulation of routes of e-Rickshaws within the municipal area.

The petitioners are aggrieved by the same.

It has been submitted that the Municipality does not have any role to play and it is the State Government especially the Transport Department of the State to take decision with regard to the plying of e-Rickshaws.

Learned advocate representing the Municipality fairly admits that only to curb the menace of plying of unregistered e-Rickshaws within the municipal zone, the resolution was adopted.

According to law, e-Rickshaws are to be regulated by the Transport Department of the State, accordingly, the Municipality cannot be permitted to regulate their services contrary to the provision of law.

In view of the above, the impugned resolution of the Municipality is liable to be set aside and is, accordingly, set aside.

It will be open for the State Government, Transport Department to formulate routes within the jurisdiction of the Municipality for plying of e-Rickshaws in accordance with law.

The writ petition stands disposed of.

In view of the order passed hereinabove, the connected application filed by the applicants claiming to be the registered contract carriage permit holders of Auto-Rickshaws stands dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.