

13.12.2023
jb.

W.P.A. 25995 of 2023
(Atiar Rahaman Mondal vs. State of West Bengal & Ors.)

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

Mr. Amal Kr. Sen
Mr. Manas Sadhu
.... For the State
Mr. N. I. Khan
.... For the Private Respondent

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

Heard learned counsels for the parties.

The petitioner was granted permanent stage carriage permit for the route Benachity to Krishnanagar Bus Stand which is valid till 26th September, 2028. Provisional timetable was issued in favour of the petitioner for a period of 30 days from 27th September, 2023. On an objection to the timetable filed by the private respondent, a hearing was conducted by the authority and the timetable issued in favour of the petitioner was marginally altered. Neither the petitioner nor the private respondent has any objection to the said alteration.

On the date the order was passed that is 10th October, 2023, one Amit Chatterjee filed an objection against the timetable issued in favour of the petitioner. Notice of hearing was issued upon the petitioner, the private respondent as well as the objector by the authority on 11th October, 2023 requesting them to appear before the authority on 12th October, 2023. The petitioner and the objector appeared before the authority on the said date but the private respondent failed to appear since according to learned advocate for the private respondent, notice was not served upon him.

Subsequently, the petitioner learnt that his timetable was about to undergo a radical change without granting him an opportunity of hearing in this regard. The petitioner submitted an objection before the concerned authority on 21st October, 2023 which was not considered. On the contrary, the concerned authority issued revised timetable in favour of the petitioner on 30th October, 2023 for a period of 30 days without hearing the petitioner on the issue.

Learned counsel for the petitioner submits that since the subsequent objector submitted before the authority that he has no objection if the earlier timetable issued in favour of the petitioner is extended, the authority ought to have granted an opportunity of hearing to the petitioner before making a radical change in his timetable to his prejudice.

Learned counsel for the State respondents submits that the 4th respondent be directed to consider the objection submitted by the petitioner in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the objection submitted by the petitioner on 21st October, 2023 within two weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner, the private respondent and the subsequent objector, in accordance with law.

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

The writ petition is thus disposed of.

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.)