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01.03.2023
Ct. No.10
b.das

W.P.A. 27557 of 2022

Aniruddha Samanta & Anr.
Vs.
The State of W. B. & Ors.

Mr. Sanat Kr. Roy
Mr. A. Banerjee ...for the petitioner.

Mr. Atanu Basu ...for the respondent No.5.

Mr. Pantu Deb Roy
Mr. S. Guha Biswas ...for the State.

Heard learned counsels for the parties.

Learned counsel for the State respondents refers to a judgment passed by a co-ordinate Bench of this Court on 2nd July, 2013 in WP 18310 (W) of 2013 with WP 18311 (W) of 2013 to suggest that the notification dated 20th February, 2013 has been set aside by the Court.

There is no reflection in the said order demonstrating setting aside of the notification dated 20th February, 2013.

It is submitted on behalf of the petitioners that the respondent authorities have granted curtailment and extension of the route in respect of the permit granted to the 5th respondent in violation of the notification issued on 20th February, 2013.

It is pointed out by the learned counsel for the petitioners that a subsequent notification being Memo No.509-STa/SC/7E-362/2014 in this regard was issued

on 10th July, 2014. The petitioners submitted a representation before the concerned authority ventilating their grievance on 19th May, 2022, which is yet to be considered. The petitioners pray for direction upon the authority to consider their representation in the light of the notification governing the field at present.

It is submitted on behalf of the State respondents that the 4th respondent be directed to consider the representation of the petitioners 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 application submitted by the petitioners dated 19th May, 2022 within a period of two months from the date of communication of this order upon giving reasonable opportunity of hearing to all the interested persons including the petitioner and the private respondent, in accordance with law in the light of the notification dated 10th July, 2014 and any other notification governing the field at present.

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

With the above observations and directions this writ petition being WPA 27557 of 2022 is disposed of.

However, there shall 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)