

WPA 27858 of 2022

20.11.2024

ct.25, sl. 8
sk

Subrata Mondal & Ors.
vs
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee
Mr. Salil Kr. Maity
...for the petitioners.

Mr. Gobinda Ch.Baidya

...for the respondent nos. 9, 10,11.

In this case the petitioners as well as the private respondents are represented. However, there is no representation of the State respondent, in spite of service of notice.

An order of the Secretary, RTA, Alipore, South 24-Parganas dated September 21, 2022 is challenged in the present writ petition.

Learned advocate appearing for the petitioners has put forth the grounds challenging the said order. It is stated that the private respondents, who are not the permit holders on the route on which the petitioners are operating, have been plying their vehicles on the same route, unauthorizedly and violating their permit conditions. To restrain them, it is submitted, that the petitioners have moved the Court as many as three times. However, they are still unsuccessful in such endeavour.

It is stated further that lastly by dint of the Court's order in Writ Petition No. 1700 of 2022, the Secretary, Regional Transport Authority, Alipore, South 24-Parganas, has considered the writ petitioners' prayer and passed the order dated September 21, 2022, which is impugned in this case.

By referring to the said order, Mr. Banerjee, learned advocate for the petitioner has submitted that though the Secretary, Regional Transport Authority, Alipore, South 24-Parganas has directed for taking all necessary actions to make it convenient to the petitioners to ply their auto rickshaws smoothly on the route, no restraining order as to the plying of vehicle illegally by the private respondents on the said route, has been made by it. It is submitted that the said respondents are not the authorized operators on the route i.e. No. 203, from Sonarpur Station to Mokrapur. But the petitioners are. That the petitioners have lawful right to run their vehicles. However, their such rights, emanating from a valid permit are jeopardized due to illegal operation by the private respondents, to which the competent authorities are also silent and has not taken an appropriate step, in the order as impugned.

Mr. Baidya, learned advocate appearing for the respondent nos. 9, 10, 11 has, however, raised strong objection to the contentions and the prayer of the petitioners as above. He has, however, asserted that the allegations in the writ petition have been made against the members of the said Union.

It is submitted that the writ petitioners have no locus standi to move the present case in view of the fact that majority of them are not the valid permit holder and lawful operators on the route in question. Hence, maintainability of the writ petition, is challenged on the said ground.

It is submitted further that since the writ petitioners are not the valid and lawful operators, they would not have any locus standi to maintain any action against the members of the respondent/Auto Rickshaw Union.

However, on perusal of the impugned order dated September 21, 2022, it is not apparent that the respondents/Secretary, Regional Transport Authority, Alipore has ever dealt with the point of, the writ petitioners having no valid permit or locus standi to uphold the cause which they are aggrieved about.

From the order, it is apparent that the parties were present before the said authority. It does not appear from the order as regards that the locus standi of the writ petitioners has ever been agitated by the respondent/Union, before the said competent authority.

Upon hearing the parties present before the Secretary, Regional Transport Authority, Alipore, the same has passed the impugned order, which speaks for itself.

There would not be any further scope to improve over the same, by supplementing the same with further grounds, by the respondent/Auto Rickshaw Union, in the present writ petition, as per the settled laws.

It is further noted that as regards the grievance of the petitioners regarding plying of vehicle by the members of the Auto Rickshaw Union, no consideration, discussion or decision has been made by the Secretary, Regional Transport Authority, Alipore in the said impugned order dated September 21, 2022.

However, in view of the nature of the grievance of the petitioners, the Court is of the opinion that it was imperative for the said authority to consider the said issue too, in the said impugned order.

Therefore, the Court finds it proper to dispose of the present writ petition by directing the Secretary, Regional Transport Authority, Alipore, South 24-Parganas, to

consider the grievance of the petitioners regarding illegal plying vehicle by the members of the respondent/Auto Rickshaw Union over the route from Sonarpur Station to Mokrapur.

In doing so, it shall afford an opportunity of hearing to the petitioners, the private respondents as well as any other stake holder as it may think fit and proper. The State respondent shall take decision as regards the credibility and validity of the allegation of the writ petitioners as above by dint of a reasoned order. However, so far as the impugned order is concerned, the Court does not find it necessary to interfere with the said order dated September 21, 2022. Therefore, the order of the Secretary, Regional Transport Authority, Alipore, stands.

On the discussion as above, the present writ petition No. WPA 25858 of 2022 along with applications, if any, are disposed of.

The State respondent authority, Secretary, Regional Transport Authority, Alipore shall conclude the entire exercise as directed above, within a period of four weeks from the date of communication of copy of this order.

The writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)

