

March 24, 2023
ARDR

WPA 28609 of 2022

Sk. Ashif Ikbal Hossen & anr.
Vs.
The State of West Bengal & Ors.

Adv. N. I. Khan,
Adv. Baran Kumar Samanta,
...for the petitioners.
Adv. Ashim Kumar Ganguly,
Adv. Bellal Shaikh,
Adv. Protim Chakraborty,
...for the respondent nos. 1 to 6.

Affidavit of service filed by the petitioners is taken on record.

None appears for the private respondents, despite service.

Written instructions submitted on behalf of the respondents is taken on record.

It is contended on behalf of the petitioners that the petitioners have been issued stage carriage permit upon compliance of all formalities for the routes Kolkata to Itabaria and Kolkata to Solepatta respectively. The petitioners have alleged that the private respondents as well as several other operators have been plying their respective vehicles in violation of the permits issued in their favour, touching/terminating/starting their vehicles from Central Bus Stand at Explanade. The petitioners filed objection before the concerned authority in this regard on 12th October, 2022 followed by a demand for justice filed on

28th November, 2022 but the authority has remained silent over the issue.

Placing reliance on the written instructions submitted on behalf of the respondents, learned counsel for the respondents submits that steps have been/are being taken against the vehicles which are plying illegally in violation of the permit conditions and twenty-one vehicles have already intercepted and fine imposed upon them under Sections 66(1)/192A(1) of the Motor Vehicles Act, 1988.

Upon consideration of the submission made on behalf of the parties and materials on record, this Court is inclined to hold that since the respondent authorities have taken/are taking steps pursuant to the objection filed on behalf of the petitioners, the concerned authority should continue such exercise and identify and prosecute the vehicles which are plying illegally in contravention of the permits issued in their favour, in terms of the provision laid down under Section 86 of the Motor Vehicles Act, 1988 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioners and the private respondents, in accordance with law.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the applications submitted by/on behalf of the petitioners and

take necessary consequential steps accordingly in terms of Section 86 of the Act of 1988.

With the above directions, WPA 28609 of 2022 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition 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 furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)