

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/530/2022

RAM PUJAN
VS
STATE OF WEST BENGAL AND ORS.

WPO/531/2022

SHEO PUJAN
VS
STATE OF WEST BENGAL AND ORS.

WPO/532/2022

SHASHI PUJAN
VS
STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 1st August, 2023.

Appearance:

Mr. Debabrata Saha Roy, Adv.
Mr. Debabrata Chakraborti, Adv.
Mr. S.K. Samim Akhtar, Adv.
...for the petitioner

Mr. Amal Kr. Sen, Adv.
Mr. Lal Mohan Basu, Adv.
...for the State

Mr. Arabinda Chatterjee, Sr. Adv.
Mr. Arkadipta Sengupta, Adv.
...for the added respondent nos. 5 & 6

Mr. Sattwik Bhattacharyya, Adv.

*Mr. Aashutosh Bhattacharyya, Adv.
...for the added respondent no. 7*

*Ms. Aishwarya Rajyashree, Adv.
...for the STA, Jharkhand*

The Court: As recorded in the order dated 20th July, 2023, the learned Additional Government Pleader appearing for the State Transport Authority, West Bengal proposes to sort out the differences between the petitioners and the added respondents on the two alignments published by the STA, West Bengal and the STA, Jharkhand which reflects that although the terminus/terminile of the routes are the same, the alignments leaving to the terminile are different. Learned AGP submits that the settlement may be in accordance with a letter issued by the Government of Jharkhand, Transport Department on 11th February, 2017 which extracts clause 9(f) of the Reciprocal Transport Agreement providing that correction in the clause of the agreement or addition/deletion in the alignment of routes may be done by mutual consent after discussion.

Learned AGP submits that the issues raised in the present writ petition as well as in the applications filed by the added respondents may be discussed and consequently sorted out by the STA, West Bengal and the STA, Jharkhand.

Learned counsel appearing for the added respondents raises an objection to the proposal by submitting that the writ petition is not maintainable since the petitioners could not have plied the vehicles along the routes without the counter-signature of the STA, West Bengal. This Court, however, is of the view

that since the issue was considered by the Court at the time of grant of interim order in favour of the petitioners, the issue cannot be taken as a ground of settlement which is now being proposed by the STA, West Bengal and agreed to by the petitioner. In any event, the discussion between the two Governments will also take into account the objections raised on behalf of the added respondents with regard to route-alignment and any prejudice caused to the parties before the Court consequent to the discrepancy in the two routes.

All three writ petitions are hence disposed of in accordance with the proposal given by the learned AGP on behalf of the STA, West Bengal.

All connected applications are also disposed of.

It is expected that the STA, West Bengal and the STA, Jharkhand will come to a decision within three months from today which is considered to be a reasonable period for completion of all exercises in terms of the order passed by this Court. Fixing a reasonable period is necessary since the added respondents have expressed their continued grievance in face of the discrepancy in the two routes. The STA, West Bengal and the STA, Jharkhand will publish the decision pursuant to the discussion in their respective websites and also give notices to the parties in the present writ petition within two weeks from the date of publication of the decision in the official website.

It is also made clear that there should not be any unreasonable delay on the part of the two authorities since one of the parties before the Court is continuing to enjoy interim protection. The interim order which is till 21st

August, 2023 will continue until four weeks from the communication of the decision to the parties.

(MOUSHUMI BHATTACHARYA, J.)

T.O.
A.R. (C.R.)