

January 16, 2024
(588) ARDR

WPA 2 of 2024

Sambit Ghosh
Vs.
The State of West Bengal & Ors.

Adv. N. I. Khan,
Adv. Amlan Kr. Mukherjee,
... for the petitioner.
Adv. Pantu Deb Roy,
Adv. Subrata Guha Biswas,
...for the State.

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

The resolution taken by the Regional Transport Authority Board in its meeting held on 22nd August, 2023 rejecting the request of the petitioner for grant of permit is assailed in the writ petition.

Pursuant to an earlier order of this Court passed on 26th June, 2023 in WPA 12910 of 2023 directing the authority to accept the prescribed fees to be deposited by the petitioner within two weeks from the date of the order and to consider the application filed by the petitioner for issuance of permit, the concerned authority took up the application filed by the petitioner for consideration and rejected the same by the order impugned. The application of the petitioner was rejected on three fold grounds:-

- “1. Not submitted Clash free time table with existing 16 nos. vehicles which are plying at present.*
- 2. NOC from Shyambazar Traffic Guard, Kolkata Police and Cossipore P.S. South 24-Parganas to be obtained*

due to traffic congestion observed at starting and terminating point.

3. The route is overlapping with the route 211 of RTA, Kolkata in mostly as repeated by existing operators of the said route.”

The resolution demonstrates that clash free timetable has been submitted by the petitioner before the authority. Though the authority has held that NOC was required from Shyambazar Traffic Guard and Cossipore Police Station, South 24 Parganas in order to consider the application of the petitioner, the application was rejected without receiving any response from the said authorities. Also, it *prima-facie* appears that the route no 211 covering an area between Ahiritola to Beliaghata Pump and Ahiritola to Patharghata does not overlap with the route applied for by the petitioner. Objection raised by the existing operators is also not enjoined in law.

In view of the above, this Court is inclined to hold that the resolution dated 22nd August, 2023 insofar as the application of the petitioner is concerned is required to be set aside.

Accordingly, the resolution dated 22nd August, 2023 passed by the RTA Board rejecting the application of the petitioner is set aside insofar as the application of the petitioner is concerned.

The RTA Board, being the 2nd respondent herein, is directed to reconsider the application filed by the petitioner in the light of the observation made in this order and take a

reasoned resolution within six weeks from the date of communication of this order upon granting reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

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

With the aforesaid observations and directions, the writ petition is disposed of.

There shall however, 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.)