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09.01.2024
Ct. No.10
b.das

WPA 181 of 2024

Sushanta Banerjee & Ors.
Vs.
The State of W.B. & Ors.

Mr. Sanat Kumar Roy
Mr. Abhishek Banerjee ...for the petitioners.

Mr. Pantu Deb Roy
Mr. M.K. Sadhu ...for State.

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

The petitioners were granted permit by the Secretary, Regional Transport Authority, Burdwan in the route Tinkonia to Nawabhat which is valid till 8th April, 2026.

It is submitted on behalf of the petitioners that a notification was issued by the District Magistrate, Burdwan on 31st October, 2014 restricting plying of buses through Burdwan Town and old G. T. Road. The petitioners submit that the petitioners' vehicle falls within the exception laid down in the said notification.

The petitioners submitted a representation in this regard before the District Magistrate, Purba Burdwan on 20th December, 2023 requesting the authority to determine whether the petitioners' vehicle falls within the exception laid down in the notification. The representation is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

It is submitted on behalf of the respondents that the notification dated 31st October, 2014 has been upheld by a co-ordinate Bench of this Court, an Hon'ble Division Bench of this Court as well as the Hon'ble Supreme Court of India.

There is no quarrel with regard to the notification dated 31st October, 2014 and the same is not under challenge in the present writ petition. The petitioners only seek a clarification from the authority as to whether their vehicle is covered by the exception laid down in the notification.

In view of the above, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation submitted by the petitioners dated 20th December, 2023 within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

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

Pending disposal of the writ petition the petitioners shall continue to ply their vehicle in terms of the permit issued in their favour.

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.)