

May 1, 2024
AD 1250
Ct. No.14
SG

WPA 939 of 2024

Munna Shah
vs.
The State of West Bengal and others

Md. Mansoor Alam
... for the petitioner

Mr. Rajarshi Basu
Mr. Anirban Datta
... for the State

Affidavit of service filed in Court is taken on record.

Despite service no one appears on behalf of the private respondents.

Report filed by the State is also taken on record.

Learned counsel for the petitioner submits as follows. The petitioner has a permit for plying an auto rickshaw in the route Code No.78 between Taratala and Ramnagar Crossing via New Taratala Road. There are auto stands at Taratala and Ramnagar where the auto rickshaws plying in the said route are parked. The private respondents are local hooligans who are preventing the petitioner from parking his vehicle in the two stands, claiming themselves to be the union leader and demanding Rs.2 lakhs as bribe. Despite the fact that the petitioner has a valid permit, he is not allowed to park there whereas several auto rickshaws are plying in the route and parking there without any valid permit.

All these were brought to the notice of the police authorities, but they did not taken any step.

Learned counsel for the State relies on the report and submits as follows. It appears that there is a dispute regarding the petitioner's right to keep his auto rickshaw in two stands. There is hardly anything that the police can do about it. This is not even a matter pertaining to police inaction.

At this stage, learned counsel for the petitioner submits that initially the petitioner filed a writ petition under the classification of list of Group-VII. By an order dated 17.11.2023, a Coordinate Bench of this Court dismissed the writ petition for non-prosecution granting liberty to the petitioner to approach the appropriate forum for redressal of his grievance.

It is not known whether the two stands referred to herein are officially recognised by any authority for the purpose of parking auto rickshaws. However, if other auto rickshaws are being parked in the said stands, there will be no reason for the petitioner not to park his auto rickshaw with a valid permit in the said stand for the same route.

The police authorities shall ensure that the private respondents are not able to create any hindrance to the petitioner in plying the auto rickshaw with a valid permit or parking his auto rickshaw temporarily at the said stands.

In the event any untoward incident occurs or is apprehended by the petitioner, the petitioner shall be at liberty to contact the Officer-in-Charge of local police station who shall then act in accordance with law.

With these observations, the writ petition is disposed of without any order as to costs.

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

[Jay Sengupta, J.]