

838
05.03.2024
Ct. No.10
b.das

WPA 1151 of 2024

Debabrata Dutta
Vs.
The State of W.B. & Ors.

Mr. Soumen Bhattacharjee
Ms. Ankan Das
Ms. Doyel Dey ...for the petitioner.

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas ...for the State.

Heard learned counsels for the parties.

The petitioner has prayed for issuance of auto rickshaw permit for the route Chandannagar railway station west side to Nasibpur railway station. The petitioner's request was turned down by the authority on the ground that the application contravenes the provisions of Clause 6 of the notification dated January 29, 2010 of the Transport Department, Government of West Bengal since there is no parking space in and around Chandannagar railway station and also parking of existing auto rickshaws had created huge congestion in the said area.

As recorded in the order passed on 21st February, 2024, the petitioner undertakes to ply the auto rickshaw from Nasibpur railway station and use Chandannagar railway station only for dropping the passengers. The petitioner further undertakes not to use Chandannagar railway station for parking the auto. He intends to ply the

auto in a remote area under the panchayat for the benefit of commuters in and around Nasibpur area.

A report has been submitted by the respondents today which demonstrates that there is no parking space in and around Chandannagar railway station and several autos are already plying from Chandannagar railway station west side.

It is most unfortunate that this is an irresponsible report which does not take into consideration the observation made by this Court in the earlier order as well as the undertaking given by the petitioner in this regard. The report is, in fact, a reiteration of the observation made in the order impugned.

Since the petitioner undertakes to ply his auto rickshaw from Nasibpur railway station and use Chandannagar railway station only for dropping the passengers and also in view of the undertaking given by the petitioner that he shall not use Chandannagar railway station for parking his auto, the petitioner's prayer is required to be allowed for the benefit of the commuters in and around Nasibpur area. It is also recorded that the petitioner undertakes to ply the auto in the route covering a remote area under the panchayat.

The order impugned dated 24th January, 2023 is accordingly set aside.

The petitioner is allowed to ply his auto rickshaw in route 45 in terms of the undertaking given by him before this Court.

In view of the above, the writ petition is disposed of directing the concerned authority, being the 3rd respondent herein, to issue permit in favour of the petitioner in route no.45 in terms of the undertaking given by the petitioner before this Court, within four weeks from the date of communication of this order, subject to the petitioner complying with all other formalities.

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.)