

March 22, 2024
(818) ARDR

WPA 5126 of 2024

Somnath Banerjee
Vs.
The State of West Bengal & Ors.

Adv. Barun Kumar Samanta

...for the petitioner.

Adv. Amal Kumar Sen,
Adv. Lal Mohan Basu,

...for the State.

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

None appears for the private respondents despite service.

The petitioner has challenged the resolution taken by the RTA Board in its meeting held on 19th December, 2023 in respect of agenda no. 16 which deals with route nos. 45, 45A and 45B. By the said resolution, the application filed by the petitioner for issuance of permit in the said route was rejected and similar applications allowed in favour of the private respondents. It transpires from the resolution that the application of the petitioner was turned down by the authority and applications of the private respondents were allowed without assigning any reason therefor.

In view of thereof, this Court is inclined to hold that the resolution taken by the RTA Board insofar as the petitioner is concerned is required to be set aside and the Board be directed to reconsider the application of the petitioner and pass a reasoned order thereto.

Accordingly, the writ petition is allowed.

The resolution taken by the RTA Board in its meeting held on 19th December, 2023 in respect of route nos. 45, 45A and 45B in agenda no.16 insofar as the application of the petitioner is concerned is set aside.

The Board, being the 2nd respondent herein, is directed to revisit the issue upon affording reasonable opportunity of hearing to all concerned including the petitioner and pass a reasoned and speaking order within six weeks from the date of communication of this order, in accordance with law.

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

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been 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.)