

21.03.2024
Item No.16
gd/ssd

WPA(P)/122/2024

SUBRATA GHOSH AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Debabrata Saha Roy,
Mr. Neil Basu
..for the Petitioners.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu
..for the State.

1. By way of this public interest litigation the petitioners who are the stage carriage holders seek for a clarification of the order passed in the public interest litigation dated 18.01.2024 in WPA(P) 628 of 2023.

2. In the said writ petition the allegation made in a representation dated 28th November, 2023 is that the public bus route no.71 is not covering the entire route and the passengers are left at the mercy of the private bus operators.

3. The writ petition was disposed of by directing the 4th respondent therein to conduct a surprise inspection of the said public bus route and ensure that the public bus route covers the entire route allotted to the said bus.

4. The petitioners who are the stage carriage holders have pointed out that in the permit/permits the following endorsement was made:

“Allowed to ply 50% of total strength from Howrah Maidan to Rajabazar on rotational Basis as per Board meeting dated 14.07.2011 & subject to post facto approval from Transport Dept., Govt. of W.B.”

5. The permit holders had challenged part of the endorsement, namely, to the extent its states “post facto approval from Transport Department, Government of West Bengal”.

6. By filing a writ petition in WPA 13118 of 2011 which was allowed and the above portion of the endorsement was expunged and the authorities were directed to accept the proposal of the petitioners in terms of the resolution taken in the meetings dated 5th May, 2011 and 14th July, 2011 as communicated by letters dated 12th May, 2011 and 15th July, 2011 respectively.

7. It appears that the order passed in the writ petition has attained finality.

8. Therefore, it has to be clarified that the order dated 18.01.2024 passed in WPA(P) 628 of 2023 should be read to mean that the concerned public bus route should ply in the route as mentioned in the permit and they cannot be compelled to ply the entire distance which is not mentioned in the permit.

9. It is made clear that the operators in the route shall scrupulously comply with the direction issued by the Secretary, Regional Transport Authority, Kolkata Region in communication dated 08.12.2023 which reads as follows:

“GOVERNMENT OF WEST BENGAL
OFFICE OF THE DIRECTOR, TRANSPORT
DIRECTOATE, PUBLIC VEHICLES DEPARTMENT,
KOLKATA ZONE, 38, BELTALA ROAD, KOLKATA-
700020.

Memo No.:RTA/BUS/VEH LIST/2361 Date: 08.12.2023

To

- (1) The President/Secretary
Howrah Maidan to Salt Lake, Route No.71
Under Rishi Bankim Setu, Room No. 12
15, G.T. Road (South)
Howrah-711101.
- (2) Subrata Ghosh, S/O. Arabinda Ghosh
70/5/1/1, Sadar Boxi Lane
Howrah-711101.

Ref.:WPA No.13118 of 2011 with CAN 4 of 2022,
Subrata Ghosh & Ors.

-vs-

The State of West Bengal & Ors.

In compliance to the order of the Hon'ble High Court, Calcutta dt. 29.08.2023, you are hereby requested to submit the list of 50% vehicles of route 71 plying upto Mohishbathan rotationally at the earliest.

This is for your kind information.

Secretary
Regional Transport Authority
Kolkata Region.”

10. It is made clear that the operators in the said route if found violating the above condition, action can be initiated against them.

11. With the above direction, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)