

WPA 10993 of 2024

Sunil Chandra Dey & Ors. -vs-The State of West Bengal & Ors.

5.8.2024
ct.25, sl. 20

Mr. Triptimoy Talukder
Mr. Sambhu Chakraborti
Mr. Diptomoy Talukder
Mr. Dibyendu Ghosh
...for the petitioners.

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Mr.Pantu Deb Roy
Mr. Pannalal Bandopadhyay
...for the State(through Video Conference)

Mr. Sanjib Bandyopadhyay
Mr. Alokasis Bandyopadhyay
Mr. Sarbasis Banerjee
...for the respondent nos. 3 to 19.

The petitioners are aggrieved that, with respect to the route in which the petitioners are the permit holders, to ply their vehicles, the respondent/RTA has illegally and unauthorisedly allowed plying vehicles by a group of auto drivers, who are respondents in this case, without any permit.

Report pursuant to Court's earlier order has been filed in Court by the State respondent. The same is taken on record.

Mr. Triptimoy Talukder, learned advocate has submitted on the basis of the same that, there has been several policy decisions to accommodate the previous permit holders in the said route and the State Authority has taken appropriate steps in terms of the said policy decisions, in the form of various notifications.

Mr. Sanjib Bandopadhyay, learned advocate is appearing for the private respondents. He has categorically submitted by referring to the relevant document that the respondents have been duly sanctioned to ply their vehicles, in the said route, by the concerned authority. Therefore, the allegation of the writ petitioners that the respondents are plying their vehicle without any permit or illegally is unsubstantiated, he says.

The State respondent as well as the private respondents are in unison that neither the State respondent has committed any error, unsustainable in law nor the private respondent are committing any illegality or irregularity by operating in the route, as above.

In this regard, the writ petitioner has also submitted a representation dated March 18, 2024, before the respondent No. 2, ventilating their grievance as above.

Both the petitioners and the private respondents claim to have been granted valid permit. To this fact, there is hardly any objection, raised in this case. Taking into consideration, the dispute between the parties, it is found proper to dispose of the instant writ petition, directing the respondent no. 2 to decide on the writ

petitioners' representation dated March 18, 2024, by a reasoned order.

In doing so, the respondent no. 2 shall afford opportunity of hearing to the petitioners, the private respondents and such other interested persons as it may deem fit and proper. It shall also consider relevant documents as considered fit and proper.

Let the respondent no. 2 conclude the exercise as above within a period of six weeks from the date of communication of this order.

The writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)