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12.06.2024
Court No. 25
D.Hira

WPA 12625 of 2024

**Probodh Char
Vs.
State of West Bengal & Ors.**

**Mr. N.I. Khan,
Mr. Amlan Kumar Mukherjee.
... for the petitioner**

**Mr. Amal Sen, Id. A.G.P.,
Ms. Ashima Das (Seal).
... for the State**

**Ms. Aishwarya Raiyashree.
... for the respondent no. 6**

**Mr. Sattwik Bhattacharya,
Mr. Aashutosh Bhattacharya.
... for the Intervener**

1. Affidavit-of-service filed in Court today is taken on record.
2. The writ petitioner is the permit holder on the Interstate route between West Bengal and Jharkhand. There is a dispute as regards the length of route. The agreement entered into between the States, denotes it as stretching over 136 kilometres.
3. However, as per the permit issued by the Transport Department, West Bengal, the route length is mentioned as 105 kilometres.
4. The dispute involved in this case is with regard to non-consideration of the representation of the writ petitioner, for extension of the timetable which has already been expired.
5. Mr. N.I. Khan, learned counsel appearing for the writ petitioner, has pointed out to the two representations

already submitted by his client before the concerned authority, both dated December 23, 2022. According to the writ petitioner, neither of those representations have yet been considered by the State Transport Authorities (STA) of West Bengal. Thus, due to non-extension of the timetable, the writ petitioner who is the permit holder for 105 kilometres stretch of route, is suffering prejudice.

6. Under such circumstances, Mr. Khan, insists that necessary order be passed upon the State Transport Authorities (STA) of West Bengal for immediate consideration of the said two representations.
7. Mr. Sen, learned Additional Government Pleader is appearing for the State respondent. Mr. Sen, is of no two opinion that in view of the permit granted in favour of the writ petitioner, the timetable which has been already expired, has to be extended.
8. It is learnt during hearing in connection with the present case, that there has been a dispute earlier raised in another writ petition before this Court, regarding the discrepancy as regards the actual length of the road, under coverage of the selfsame permit. The discrepancy arose since permit has been granted over 105 kilometres stretch of route spreading through the States of West Bengal and Jharkhand whereas the agreement between the States denoted for grant of permit for a stretch of route of 136 kilometres. The matter went up to the Hon'ble Division Bench when the Hon'ble Division Bench directed the Principal Secretary, Transport Department, Government of West

Bengal vide order dated June 30, 2022, to determine the exact length route to be followed by the appellant and the private respondents there.

9. The same is yet to be finally determined by the Principal Secretary though it is learnt that hearing of the parties have already been concluded. The issues involved in the said case and in the present, appear to be related to each other.

10. Accordingly, in consideration of all as mentioned above, this writ petition is being disposed of with the following directions:-

(i). Let the Principal Secretary, Transport Department, Government of West Bengal/any delegate thereof, consider two representations of the present petitioner dated December 23, 2022.

(ii). In doing so, the Principal Secretary may seek adequate assistance from the counter-signing authority i.e., Secretary, Transport Department, State of Jharkhand, in this matter.

(iii). Let the Principal Secretary, Transport Department, Government of West Bengal also finally determine, by passing a reasoned order, in terms of direction of the Hon'ble Division Bench of this Court in MAT 369 of 2022 (Vikash Kumar Sahu vs. The State of West Bengal & Ors.) dated June 30, 2022.

(iv). The entire exercise as above by the Principal Secretary, Transport Department, Government of West Bengal/its delegate, shall be concluded within a period of six (6) weeks from the date of communication of copy of this order.

(v). Let the writ petitioner along with of this order also forward the copies of two representation dated December 23, 2022 and also the copy of the order of the Hon'ble Division Bench passed in MAT 369 of 2022 (Vikash Kumar Sahu vs. The State of West Bengal & Ors.) dated June 30, 2022.

(vi). While passing a reasoned order the Principal Secretary, Transport Department, Government of West Bengal or its delegate shall afford opportunity of hearing to the writ petitioner or any other party/parties as it may deem fit and proper for appropriate determination of the issues in dispute.

(vii). The authority shall communicate its decision, as above, to the writ petitioner, within a period of one week from the date of its order.

- 11.** Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
- 12.** This writ petition being WPA 12625 of 2024 is disposed of, along with the connected pending applications, if any.
- 13.** Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)