

WPA 12326 of 2023

Ajay Kumar Gupta & ors.
Vs.
The State of West Bengal & Ors.

Adv. N. I. Khan,
Adv. Amlan Kr. Mukherjee,
... for the petitioners.
Sr. Adv. Arabinda Chatterjee,
Adv. Bhaskar Nandi,
...for the respondent nos. 8 to 10.
Adv. Pantu Deb Roy,
Adv. C. C. De,
Adv. Subrata Guha Biswas,
Adv. Anirban Sarkar,
...for the State.

The petitioners being holders of stage carriage permits in the route Kolkata Station to New Town, Rajarhat applied for extension of route up to Hatishala. Upon obtaining no objection from the police authority, the RTA Board, by a resolution dated 19th January, 2023, decided to take a decision after getting field enquiry report from office end. Thereafter a mass petition from the inhabitants of some villages and an application from the Biswa Bangla bus service were received by the authority for introduction of a new stage carriage permit from Hatishala to Kolkata Station which were approved by the Board in a resolution taken on 3rd March, 2023 and 12th April, 2023 respectively. By a subsequent resolution taken on 28th July, 2023, the Board held that the application filed by the petitioners for extension of route upto Hatishala was not acted upon since the matter was subjudice.

The primary grievance of the petitioners is that without disposing of the application filed by them for extension of route, the Board has taken steps for introduction of the new route, a portion of which overlaps the petitioners' route.

It is not in dispute that the applications made by the villagers as well as Biswa Bangla bus service were subsequent to that of the petitioners' application. By a resolution taken on 19th January, 2023, the Board decided to take a decision after getting field enquiry report from the office end. It is expected that such field enquiry report has reached the Board by now.

In view of the above, this Court is inclined to hold that the application filed by the petitioners be considered and disposed of by the Board before giving effect to the subsequent resolutions dated 3rd March, 2023, 12th April, 2023 and 28th July, 2023 respectively.

The writ petition is accordingly disposed of directing the 2nd respondent to consider and dispose of the application filed by the petitioners for extension of route within six weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioners, in accordance with law.

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

The 2nd respondent shall be at liberty to give effect to the subsequent resolutions dated 3rd March, 2023, 12th

April, 2023 and 28th July, 2023 respectively, after disposal of the application filed by the petitioners.

With the aforesaid observations and directions, the writ petition is disposed of.

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.)