

WPA 14814 of 2024

**Jalal Mallick
Vs.
State of West Bengal & Ors.**

**Mr. Sanat Kumar Roy,
Mr. Baidurya Ghosal.
... for the petitioner**

**Mr. Amal Kumar Sen, ld. A.G.P.,
Mr. Lal Mohan Basu.
... for the State**

**Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta.
... for the respondent
No. 5**

1. Affidavit-of-service filed in Court today is taken on record.
2. The writ petitioner is aggrieved that though pursuant to a notice inviting objections as regards revision of timetable for the private respondent, the objection submitted by him, has been decided by the concerned respondent authority, without affording him any opportunity of hearing, vide an order dated March 6, 2024.
3. Mr. Sanat Kumar Roy, learned counsel appearing for the writ petitioner seeks an opportunity to be granted to his client to participate in the hearing as regards his objection, before the same is finally determined by the concerned respondent authorities. Petitioner's other prayer is for setting aside the impugned order dated March 6, 2024.
4. The State as well as the private respondent are represented.

5. To state in brief the factual background of the case, it may be mentioned that the State Transport Authority, West Bengal was to revise timetable for plying vehicle, by the permit holder/private respondent.
6. Therefore, a notice dated October 13, 2023 was issued calling for objections, if any, to the same. Vide letters dated October 30, 2023 and that dated 'NIL' addressed to the District Magistrate, Purba Bardhaman as well as The Regional Transport Authority, Purba Burdwan respectively, by the writ petitioner, objection was raised.
7. According to the records, the authorities have held hearing with respect to the said objections of the writ petitioner, firstly on January 8, 2024 and thereafter, on January 11, 2024.
8. Finally, the decision has been taken vide an order dated March 6, 2024, which is impugned in the present case.
9. According to the petitioner, before final determination as regards his objections, the respondent authorities have not notified him and have not afforded him any opportunity of hearing.
10. Thus, he is aggrieved.
11. So far as the fact that on March 6, 2024 the writ petitioner has not been granted any opportunity of hearing, is not seriously disputed or denied on behalf of the State respondent as well as private respondent.
12. According to the records, a further letter is seen to have been received by the office of the respondent

Regional Transport Authority, Purba Burdwan on March 20, 2024 by dint of which the petitioner has raised objections as regards the impugned action of the respondent, as above.

- 13.** Considering the facts and circumstances, the Court has no doubt in mind regarding the respective respondent authority having determined and decided as regards the objections raised by the writ petitioner by dint of the impugned order dated March 6, 2024, in absence of the writ petitioner, without granting him any opportunity of hearing and even without notifying him priorly.
- 14.** Thus, the writ petitioner has been denied *audi alteram partem* and his rights are prejudiced.
- 15.** On the ground as above, the respondent's actions appear to be not in conformity with the settled law and liable to be set aside.
- 16.** On the discussion as above, the writ petition being WPA No. 14814 of 2024 is allowed with the directions as follows:-
 - (i).** The impugned order dated March 6, 2024 is set aside.
 - (ii).** The respondent no. 4/The Secretary, Regional Transport Authority, Burdwan shall afford opportunity of hearing to the writ petitioner and the private respondent or any other person/persons as it may deem fit and proper before disposing of his letters of objection dated October 30, 2023 and 'NIL', addressed to the District Magistrate, Purba Bardhaman and the Regional Transport Authority, Purba Burdwan respectively.

(iii). In doing so, the concerned respondent shall take into consideration the petitioner's letter received by his office on March 20, 2024.

(iv). A final decision shall be taken by the respondent no. 4 after hearing of the parties and by dint of a reasoned order within a period of three weeks from the date of communication of copy of this order.

(v). The decision shall be communicated to the petitioner and the respondent also, within one week from the date of its order.

17. Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.

18. This writ petition being WPA No. 14814 of 2024 is disposed of, along with the pending applications, if any.

19. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)