

28
12.07.2024
Court No. 25
D.Hira

WPA 17407 of 2024

**Lal Mohan Das
Vs.
State of West Bengal & Ors.**

**Mr. Subrata Bhattacharyya,
Mr. Ratan Das,
Mr. R.M. Hossain,
Mr. Ahmed Siddiqui.
... for the petitioner**

**Mr. Rahul Karmakar,
Mr. Sudipta Nayan Ghosh,
Mr. Rakib Hossain Islam
... for the respondent
Nos. 14 to 27**

**Mr. Pantu Deb Roy, Id. A.G.P.,
Mr. Subrata Guha Biswas.
... for the State**

1. The writ petitioner is the permanent permit holder in the route from Fraziergunge to Howrah railway station. He has filed the present case to seek redress of his grievance that he has not been able to ply his vehicle, in the permitted route and has been unlawfully restrained and threatened by the private respondents in this writ petition. He is also aggrieved that adequate vigilance by the respondent State authority has not been maintained, to ensure smooth functioning of business by him throughout the route, he being a valid permanent permit holder with respect to the same. Mr. Bhattacharyya, learned counsel appearing for the writ petitioner

has sought for adequate relief for his client/writ petitioner in this case.

- 2.** Mr. Karmakar, learned counsel appears for the private respondents. He has denied and disputed the allegations as levelled against his clients by the writ petitioner, in this case. He would further say that the present writ petition would not be maintainable, as the same cannot be categorised under any of the subgroups under Group – VII, of the rules of the High Court for listing of cases. According to Mr Karmakar, the petitioner has not been able to come up with any sufficient material to substantiate his allegation against the private respondents, which according to the counsel, is only fabricated. He would further submit that instead the writ petitioner is at fault by not maintaining the conditions of permit, while plying his vehicle. According to the said respondents, the writ petitioner habitually violates the permit condition by allowing his bus to stop at places, which are not the specified bus stops for him, according to his permit conditions. Also that the writ petitioner is not maintaining the route alignment as per his permit. Mr. Karmakar seeks that the present writ petition be dismissed.

3. Allegedly, the writ petitioner is restrained by the private respondents in various ways, to ply his vehicle smoothly, uninterruptedly and in accordance with the conditions of the permanent permit he holds. The petitioner has also alleged about the purported inaction on the part of the state respondent/respondent No.6 in keeping vigilance as regards the alleged unlawful activities by the private respondents. The nature of dispute espoused by the writ petitioner being as above, the court finds no force in the submissions made on behalf of the private respondents that the writ petition would not be maintainable as it cannot be categorised under Group- VII of the High Court rules for listing of cases. The writ petition is found to be maintainable in its present form.
4. The parties have brought forward allegations against each other in due compliance with the permit conditions. In that event the state respondents/issuing authority, would be duty bound to take appropriate steps to ensure due compliance of permit conditions, route alignment et cetera.
5. Therefore, considering the facts and circumstances of this case, the court finds it proper to dispose of the writ petition with the following directions: –

- i.** the respondent No. 5/Regional Transport Officer, Alipore, is directed to take appropriate steps to ensure smooth functioning of the writ petitioner through the permitted route and as per the permit conditions;
- ii.** the respondent No.5 is directed to ensure that no disturbance, hindrance or restraint is exercised by the private respondent, for the writ petitioner to ply his vehicle through the permitted route and as per the permit conditions;
- iii.** the respondent number 5 is directed to take appropriate steps to ensure smooth functioning of the writ petitioner through the permitted route and as per the permit conditions, unless any breach of the same is found to have been committed by the writ petitioner;
- iv.** the respondent No.5 is directed to maintain proper and constant vigilance regarding functioning of parties, commensurate with the conditions of permit, through the permitted route;
- v.** the respondent number 5 shall be at liberty to take adequate steps in accordance with law, in case of any breach is found to have been committed

by any of the parties in maintaining the permit conditions and the permitted route alignment;

vi. if necessary, the respondent number 5 may seek assistance of the police, to maintain vigilance as well as smooth functioning of the writ petitioner through the permitted routes and in accordance with the permit conditions and also to prohibit and take appropriate action against breach of the same by any of the parties in this writ petition.

- 6.** Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
- 7.** The writ petition being WPA No. 17407 of 2024, is disposed of, along with the pending applications, if any.
- 8.** Urgent photostat certified copy of this order duly downloaded from the official website of this court, may be issued, upon compliance of all legal formalities.

(Rai Chattopadhyay, J.)