

3.10.2024

Faijuddin Khan. -vs— State of West Bengal & Ors..

ct.25, sl.15

Mr. Sankar Mukherjee
Mr. Niraj Gupta
Mr. Sanjay Kr. Shaw
Ms. Lipika Das
Mr. Kanishk Sinha

sk

.....for the petitioner.

Mr. Pantu Deb Roy, Ld. AGP
Mr. S.Guha Biswas

....for the State.

Let the affidavit of service filed in Court be taken on record.

The petitioner is aggrieved that his prayer for extension of the route on which he is an existing operator, has not yet been considered by the respondent authority.

For this he has written to the respondent/Regional Transport Authority at Hooghly in his letter dated 18th June, 2024. Allegedly, the same is yet to be considered by the authority.

Mr. Mukherjee appearing for the petitioner has submitted that the petitioner's prayer is in terms of Section 80(3)(i) of the Motor Vehicles Act, 1988 seeking extension of the route for a length of eight kilometers, which is within the permissible statutory limit for extension of the route.

Mr. Mukherjee would further say that the terminal points have also been kept unchanged in the prayer of the writ petitioner. Therefore, according to Mr. Mukherjee there would not be impediment for the State respondent authority to duly consider the petitioner's prayer for extension of the route.

None appears for the State respondent in spite of due service. Hence, Mr. Deb Roy, who generally appears for the

State respondent and present in Court now, is requested to represent the State in this case.

Let his appointment be regularized in due course of time.

Mr. Deb Roy is of the opinion that the direction of the respondent authority can be made for consideration of petitioner's prayer.

Heard submissions and perused the records.

An existing operator is entitled in terms of the existing law, more precisely under Section 80 of the Motor Vehicles Act, 1988 to seek for extension or variation of the route, however, with due compliance with the conditions mentioned therein.

So far as the petitioner's case is concerned, the said conditions are appearing to have been fulfilled.

Therefore, the present writ petition is being disposed of by directing the respondent no.2/Regional Transport Authority at Hooghly to consider and dispose of the petitioner's prayer vide letter dated 18th June, 2024, by dint of a reasoned order.

In doing so the respondent authority shall afford opportunity of hearing to the petitioner and conclude the entire process as above, within a period of eight weeks from the date of communication of copy of this order.

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.

(Rai Chattopadhyay, J.)