

**3.10.2024**

Paritosh Sarkar. -vs— State of West Bengal & Ors..

ct.25, sl.16

Mr. Kallol Kr. Basu  
Md. Jannat Ul Firdous

sk

.....for the petitioner.

Mr. Sudip Sarkar  
Mr.L.M.Sarkar

....for the respondent nos. 7 & 8

Mr. Pantu Deb Roy,Ld. AGP  
Mr. Pannalal Bandyopadhyay

....for the State.

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

Petitioner’s grievance is with respect to alleged illegal activities and plying of vehicle by the battery operated toto rickshaw operators through the route, over which the members of the petitioner union are the existing operators.

Mr. Basu, learned advocate appearing for the writ petitioner has indicated to the fact that the members of the writ petitioner/union possess valid permit to ply their auto rickshaws through the said permitted route, i.e. from Ghojadanga to Basirhat College.

It is stated that the battery operated toto rickshaw operators have occupied the terminal points of the said route to park their vehicles and also ply those within the route, thereby jeopardizing the petitioner’s vehicle operation, under duly issued route permits.

It is further submitted that, in this regard several complaints have been filed by the petitioner/union to various authorities including the District Magistrate, Barasat but to avail no relief as yet.

Hence, the petitioner seeks appropriate order in this writ petition.

Mr. Deb Roy, learned advocate is appearing for the respondent/State. He indicates that to ply the battery operated toto rickshaw no route permit shall be required.

Perused the materials available on record and heard the submissions made by the parties.

Admittedly, the members of the petitioner/union are the existing operators of such vehicle in the route as mentioned above.

They are adversely affected by plying battery operated toto rickshaw in the huge numbers thereby jeopardizing their rights on the route, which the said permits granted in favour of them.

In accordance with Government notification, the battery operated toto rickshaw shall not require any permit to run whereas registration thereof would be required in accordance with law.

Considering all as above, the Court finds it proper to dispose of the present writ petition by directing the District Magistrate, Barasat to consider and dispose of the petitioner's complaint letter dated 18<sup>th</sup> April, 2024.

The District Magistrate, however, is granted liberty to either consider the representation by himself or delegate the power to any other responsible officer under his jurisdiction.

The D.M./Barasat or other responsible officer so authorized shall be at liberty to consider and dispose of the said application of the petitioner/union and pass a reasoned order as to the same.

In doing so, the D.M. Barasat or any other authorized officer shall grant of opportunity of hearing to the petitioner as well as the private respondents and any other stake holder, as it may deem fit and proper.

The concerned authority should also consider and take an appropriate decision with respect to the unregistered “toto”s, in the route.

The entire process as above shall be concluded within a period of eight weeks from the date of communication of copy of this order.

The writ petition is disposed of.

Since no affidavit-in-opposition has been called for in this case, all allegations made in this writ petition are deemed to have been denied by the concerned respondent.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

**(Rai Chattopadhyay, J.)**