

WPA 18956 of 2022

Anuradha Gupta
Vs.
State of West Bengal & Ors.

Mr. N.I. Khan,
Mr. A.K. Mukherjee.
... for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra.
... for the State

Mr. S.N. Mukherjee,
Sk. Samim Akhter.
... for the private respondents

1. The writ petitioner is challenging the resolution of the Regional Transport Authority board meeting dated January 17, 2018, that is, regarding extension, curtailment and diversion, of two different existing routes, pertaining to P.St.P. No. 162/1996-97 and that 18/12-13.
2. The petitioner is concerned with the decision taken vide the said resolution, with respect to P.St. P. No. 162/1996-97 and challenges the same. The decision is as follows:-

“The applicant is present on hearing and going through the case records along with enquiry report, the case is allowed. Subject to NOC from local MLA or MP.”
3. Therefore, curtailment and extension of route regarding P.St.P. No. 162/1996-97, has been allowed.
4. Mr. N.I. Khan, learned counsel appearing for the writ petitioner challenges the same on three-fold grounds.

Firstly, that the law does not permit curtailment and extension to be granted by altering the terminal stations, whereas only diversion of route is permissible under the law keeping the station of initiation and termination intact.

5. He says that the resolution is in defiance of the said statutory provision.
6. The second limb of challenge on behalf of the writ petitioner is that the resolution flouts the law, also by holding the decision therein to be subject to the “No Objection Certificate” of the local Member of Legislative Assembly or Member of Parliament. Mr. N.I. Khan, learned counsel has stated that it is the statutory duty of the State respondent to take decision as regards route extension/curtailment/diversion and that the same is the only authority for the purpose, empowered by the statute. The power of the respondent authority is unqualified and cannot be made subject to decision by any people’s representative, who has not been empowered under the statute.
7. Finally, he has submitted that the provisional time table has been issued with respect to P.St.P. no. 65/1999-2000 whereas change in route is allowed in case of P.St.P. No. 162/1996-97. Therefore, the resolution with respect to P.St. P. No. 162/1996-97 is not maintainable and is liable to be set aside.
8. Mr. N.I. Khan, learned counsel has insisted that necessary order allowing the writ petition and granting relief to the writ petitioner be passed by the Court.

9. Mr. S.N. Mukherjee, learned counsel is appearing for the private respondents. He submits by referring to the order of the Hon'ble Division Bench, passed earlier in connection with an order in this case, that plying of vehicle by his client, pursuant to the timetable granted with respect to P.St.P. No. 65/1999-2000, does not suffer from any illegality or impropriety and may continue or else the said respondent shall be immediately prejudiced.
10. Mr. Srijan Nayak, learned counsel is appearing for the State respondent. He submits that since the extension and curtailment of route and grant of timetable is done much priorly and may require reconsideration at present, the authorities may be granted opportunity afresh to take into consideration the matter of extension/curtailment of the route or grant of timetable etc, in connection with the present case.
11. Heard all, perused the document available on record.
12. Apparently, in the board meeting dated January 17, 2018 a decision has been taken with respect to P.St.P. No. 162/1996-97, which has not been acted upon by grant of timetable at a later stage. Instead, record reveals, that a timetable has been issued with respect to the route from Ketugram to Asansol via Bolpur Durgapur with respect to P.St.P. No. 65/1999-2000. Pursuant to the same, the private respondent has been plying vehicle in the altered route, till date. Dispute has been raised as regards the mode and manner in which the alteration of the route, has been effected, with regard to which, there

is practically no challenge in the instant case. The other points of challenge have also been left undisputed, excepting that the private respondent, would be jeopardised, if at the moment, his authority to ply the vehicle, is curtailed.

- 13.** There may not be any dispute that sufficient time has now elapsed, from the date of the impugned resolution, by the Board. There appears gross infirmity on the face of the resolution, as discussed above. As such, the entire matter requires fresh consideration.
- 14.** Under such circumstances, it is found proper to set aside the resolution earlier taken by the Regional Transport Authority, in the board meeting dated January 17, 2018. Hence, the same is hereby set aside.
- 15.** Let the respondent authority consider the matter afresh after hearing the petitioner as well as private respondents.
- 16.** Let adequate opportunity be granted to the parties at the time of hearing and a reasoned decision may be taken by dint of a written order, with regard to the issues involved in this writ petition.
- 17.** It is however, made clear that till the time such a decision is taken by the respondent authority, there shall not be any embargo as regards the private respondent plying the vehicle in the manner as it has been done till date.
- 18.** Let the respondent authority decide on the issues involved in the present writ petition as directed above, within a period of four weeks from the date

and inform the parties as regards its order within a period of one week from the date of his order.

- 19.** This writ petition being WPA No. 18956 of 2022 is disposed of, along with the pending applications, if any.
- 20.** Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)