

WPA 19542 of 2024

16.8.2024
ct.25, sl. 23
sk

Maya Pal
vs
The State of West Bengal & Ors.

Mr. N.I.Khan
Mr. Amlan Kr. Mukherjee
...for the petitioner.

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

Mr. Bhaskar Nandi.
...for the respondent nos. 18 & 19.

Affidavit of service filed by the petitioner is
taken on record.

The petitioner's grievance is ventilated before
the RTA, Nadia vide letter dated 26.06.2024. The
grievance is with respect to illegally plying of
contract carriage by the private respondent nos. 18
& 19 in violation of permit conditions as well as the
guidelines as prescribed vide notification dated
29.1.2010.

Mr. Khan, learned advocate appearing for the
writ petitioner has submitted on the basis of the
documents available on record that by dint of the
notification as above, the Transport Department
has laid down certain guidelines to be followed in
case of grant of contract carriage permit to three
wheeler Auto rickshaws. He submits that the 21
vehicles belonging to the private respondents
plying through the 3 separate routes, that is,
Chakdaha Bharti Hall to Mankur, Chowgacha to
Chakdaha and Bishnupur to Chakdaha, have been

granted permit, not in compliance with the said guidelines but in gross violation thereof. He says that the permits granted to the private respondents being de hors the law for the reason as stated above, the same are liable to be cancelled by the concerned respondent authority.

Learned advocate appearing for the State respondent has not raised objection, in case the Court directs for consideration of the representation submitted by the petitioner, before the appropriate authority.

The private respondent nos. 18 & 19 have, however, raised objections as to the contentions and prayer of the writ petitioner as above, on the ground that they owned ply the vehicles from a date even before the said notification was published on 29.1.2010. Hence, they deny that the said notification is at all applicable to them.

Considering the facts and circumstances of this case, this Court finds it proper to direct the Regional Transport Authority, Nadia to consider the petitioner's representation dated 26.6.2024 and dispose of the same by dint of a reasoned order.

In doing so the concerned respondent shall afford opportunity of hearing to the petitioner, the private respondents No. 18 & 19 and any such other interested person/s as it may deem fit and proper.

The entire exercise as above shall be concluded within a period of four weeks from the date of communication of this order.

The decision shall be informed to the petitioner as well as the private respondents by dint of a written communication, within a week thereafter.

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.

The writ petition No. WPA 19542 of 2024 is disposed of.

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

(Rai Chattopadhyay, J.)