

WPA 19990 of 2024

**Swapna Banerjee
Vs.
State of West Bengal & Ors.**

**Mr. Durga Prasad Dutta,
Mr. Souvik Sen,
Mr. Sumanta Ganguly.
... for the petitioner**

**Mr. Pantu Deb Roy, ld. A.G.P.,
Mr. Pannalal Bandopadhyay.
... for the State**

**Mr. Sattwik Bhattacharyya,
Mr. Aashutosh Bhattacharyya,
Mr. Titas Niyogi,
Mr. Aritra Roy.
... for the respondent no. 6**

1. Affidavit-of-service filed in Court today is taken on record.
2. Parties are represented.
3. The dispute is with relation to the alleged violation of permit conditions by the private respondent, who has obtained permit in 2018 to ply vehicle from Ayodhya Hill to Kolkata Station.
4. Allegedly, in violation of the permit conditions as well as Notification no. 3438-WT/3M-139/2004 dated August 6, 2004, the private respondent has been plying his vehicle through the restricted area, as envisaged in the said notification.
5. The petitioner is also aggrieved regarding change of timetable for the private respondent without granting her any opportunity of hearing by the concerned respondent authority.

6. All her grievances are jotted down in her representation dated July 12, 2024, which is pending for consideration by the State Transport Authority, West Bengal.
7. In defiance of the petitioner, the private respondent has put forth as regards the fact of pendency of a civil suit being Title Suit No.444 of 2024 [Shibnath Banerjee vs Swapna Banerjee & Ors] between the parties. It has been alleged that the instant case is a counterblast of the said suit filed by the private respondent/plaintiff, who eventually is the husband of the present petitioner. Regarding violation of the notification dated August 6, 2004, the respondent No.6 has denied any such violation. It has also been contended that the vehicle is being utilised and used, not by the private respondent but by the petitioner herself.
8. The Court finds limited scope to deal with and go into the factual aspects in this dispute. So far as the alleged violation of the permit conditions or irregularity in change of timetable etc., are concerned, it is found proper that the respondent State Transport Authority, West Bengal be directed to consider the same, pursuant to the written complaint lodged before it by the present petitioner, that is, dated July 12, 2024.
9. Let the State Transport Authority, West Bengal consider and dispose of the petitioner's representation dated July 12, 2024 by dint of a reasoned order and after granting an opportunity of hearing to the petitioner, the private respondent and

any other person/persons as it may deem fit and proper.

10. The said authority shall allow the parties to file necessary documents and to substantiate their respective cases.
11. The hearing shall be concluded by the concerned respondent authority within a period of six weeks from the date of communication of copy of this order.
12. The same shall be informed to the concerned parties within a period of one week from the date of its order.
13. Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
14. This writ petition being WPA No. 19990 of 2024 is disposed of, along with the pending applications, if any.
15. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)