

15
20.09.2024
Court No. 25
D.Hira

WPA 20211 of 2024

**DN-16 and 16/1 Bus Syndicate & Ors.
Vs.
State of West Bengal & Ors.**

**Mr. Sankar Nath Mukherjee,
Mr. Niraj Gupta,
Ms. Manisha Paswas.**

... for the petitioners

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

... for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. Petitioners are aggrieved due to inaction of the Regional Transport Authority, Barasat, North 24 Parganas, in considering their prayer for variation of route by dint of their letter dated July 22, 2024.
3. Mr. Mukherjee, learned counsel is appearing for the petitioners. He submits that the variation of length of the route, to the extent of four kilometres has been prayed for by the petitioners, which is within the legally permissible limit, to make variation of any route alignment.
4. Accordingly, he says that there would not be any cogent and justifiable reason by the respondent authority, not to consider the prayer of the writ petitioner.
5. Mr. Pantu Deb Roy, learned Additional Government Pleader is representing the State. He has however, raised strong objections that the petitioners' prayer cannot be allowed pursuant to the notification no.

1010-WT-3M-154-2004 dated February 11, 2005, which has provided for the restricted area, for which, no permit can be granted, in terms thereof. It is submitted that as the proposed variation should pass through the portion of the restricted route alignment, in terms of that notification, the same cannot be allowed.

6. Heard the submissions and perused the records. Since the Regional Transport Authority, Barasat, North 24 Parganas has not taken up the prayer of the writ petitioners for consideration at all, let this writ petition be disposed of by directing the concerned respondent no. 2, to consider and decide upon the prayer of the petitioners by dint of a letter dated July 22, 2024, after giving the representatives of the petitioners, an adequate opportunity of hearing. Let the process, as above, be completed by the respondent No. 2, within a period of three weeks, from the date of communication of copy of this order.
7. Let the said respondent communicate its decision to the petitioners within one week from the date of its order.
8. It is made clear that the merit of the case has not been gone into, in this writ petition.
9. Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
10. This writ petition being WPA No. 20211 of 2024 is disposed of, along with the pending applications, if any.

- 11.** Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)