

5
22.11.2024
Court No. 25
D.Hira

WPA 23844 of 2024

Shyamal Roy
Vs.
State of West Bengal & Ors.

Mr. Sanat Kumar Roy.
... for the petitioner

Ms. Sabnam De Bardhan,
Ms. Kakali Naskar.
... for the State

Mr. Allen Felix.
... for the respondent
No. 5

1. The writ petitioner's grievance is that his objection dated August 14, 2024, submitted before the Secretary, Regional Transport Authority, Purba Burdwan, in reply to the notice of the same date July 26, 2024, has not been considered, before publication of timetable dated August 29, 2024.
2. Mr. Sanat Kumar Roy, learned counsel appearing for the petitioner has submitted that the notice of the Secretary, RTA, Purba Burdwan dated July 26, 2024 is with regard to inviting objections to the proposed timetable as mentioned therein. His client has submitted the objections, that is, letter dated August 14, 2024.
3. Allegedly, without considering the same, the said respondent has published the timetable, vide order dated August 29, 2024.
4. Thus, the petitioner is aggrieved and filed the present writ petition challenging the timetable published on August 29, 2024.

5. Mr. Allen Felix, learned counsel is appearing for the respondent no. 5. He has strong objections to raise as regards the contentions and prayer of the writ petitioner, as above.
6. Mr. Felix states that the representation as stated by the petitioner, to have been submitted on September 7, 2024, before the said respondent authority, is not known to the respondent no. 5. He says that without knowing about the contentions of the said representation of the writ petitioner, the respondent no. 5 is not in a position to put forth an adequate and appropriate objection as regards the contentions and prayer of the writ petitioner made therein.
7. Ms. Sabnam De Bardhan, learned counsel is representation the State.
8. It appears that the notice dated July 6, 2024 was issued by the Secretary, RTA, Purba Burdwan incorporating the proposed timetable and inviting objections, if any, as to the same. The said proposed timetable was ultimately published vide memo dated August 29, 2024.
9. Record does not reveal that the objections submitted by the present petitioner before publication of the timetable that is, on August 14, 2024 have ever been considered by the said respondent.
10. The Court is of the considered opinion that after issuance of the notice inviting objections dated July 26, 2024 and receipt of objection in response to the

same from the present petitioner, the Secretary, RTA, Purba Burdwan was duty-bound to consider the objections raised by the writ petitioner as mentioned above, before publication of the proposed timetable.

- 11.** To that effect, the Court finds the action of finally publishing the timetable by the said respondent has been in dereliction of the statutory provision as well as in violation of the rights and contentions of the writ petitioner.
- 12.** In that event, the Court is inclined to direct the said respondent to take into consideration the petitioner's objection dated August 14, 2024 and also that made on any subsequent date and decide upon the same after granting the writ petitioner, as well as the respondent no. 5, an opportunity of hearing.
- 13.** The objections of the writ petitioner, if not considered favorably by the said respondent, shall be disposed of by dint of a reasoned order, by the said respondent.
- 14.** The respondent shall conclude the exercise as above within a period of four weeks from the date of communication of copy of this order. Till that time, the timetable published vide memo dated August 29, 2024 shall be kept in abeyance and the earlier timetable shall be adhered to by the parties.
- 15.** Necessary order in this regard shall be published by the said respondent after due consideration and decision as regards petitioner's objections as above.

- 16.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 17.** This writ petition being WPA No. 23844 of 2024 is disposed of, along with the pending applications, if any.
- 18.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)