

26.11.2024
(D/L-13)
Ct. No.4
(B.K.N.)

M.A.T. 2034 of 2024
With
C.A.N. 1 of 2024
With
C.A.N. 2 of 2024

Swapam Kumar Saha
Vs.
Sudip Kundu & Ors.

Mr. Sankar Nath Mukherje,
Mr. Niraj Gupta,
Md. Farrukh Rehan,
Ms. Manisha Pasawan
...for the Applicant

Mr. Jayanta Samanta, Jr. Govt. Adv.,
Ms. Rupsha Chakraborty,
Mr. Swapam Pal,
...for the State

Mr. Bhaskar Nandi
...for the Respondent No. 4 & 5

1. When the matter has come up for consideration, a preliminary objection has been raised by the learned counsel representing respondent no. 1 who was the writ petitioner.
2. It is submitted that the resolution for granting permit for route no. 219 & 219/1 which is the subject matter of the proceedings before Hon'ble Single Judge was not in accordance

with law. It was drawn up by taking into consideration irrelevant parameters.

3. The Writ Court/Hon'ble Single Judge has directed the Regional Transport Authority, Kolkata to recast the panel prepared by the impugned resolution therein, which was dated July 28, 2023; and to consider the case of the petitioner and prepare a panel in accordance with law.
4. The panel thereafter afresh has been prepared and the decision of the Regional Transport Authority, Kolkata at the board meeting dated 29th August, 2024 in this regard has already been communicated under a communication dated 11th September, 2024.
5. Since the new panel has already been prepared in the meeting of the board. The filing of the present appeal is an exercise in futility. The fresh panel as communicated under the letter dated 11th September, 2024 constituted a fresh cause of action which the petitioner is required to pursue in an appropriate forum in accordance with law.
6. The learned counsel for the appellant being faced with such preliminary objection seeks liberty to assail the panel dated 29th August, 2024 communicated under the letter dated

11th September, 2024 issued by the Regional
Transport Authority, Kolkata Region.

7. With liberty as prayed for, the appeal is
disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)