

10.12.2024
Court No. **25**
SL20,SK

WPA 26435 of 2024

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

Mr. Niraj Gupta
...for the petitioners.

Mr. Manas Kr. Sadhu
...for the State respondent.

The petitioners i.e. DN-16 and 16/1 Bus Syndicate and others are aggrieved that in response to their representation dated October 8, 2024, there is not yet any clarification by the respondent/State Transport Authority as regards the erroneous recording in the notification November 9, 2006, published on June 8, 2007.

According to the petitioner, so far as route Nos. DN16 and 16/1 are concerned, the notification as above mentioned 18 number of permits operating therein, whereas according to the knowledge of the writ petitioner fleet strength in the said route is 41. Thus the members of the petitioner syndicate, have been granted permit, and operating since long, in a number beyond the same as mentioned in the notification dated November 9, 2006.

In this regard, Mr. Gupta, learned advocate appearing for the petitioner has referred to an order of the Chairman, RTA and District Magistrate, North 24-Parganas dated December 20, 2011, in which the State authority has mentioned that office record contains proof of total fleet strength in the said route to be 41 permits and all of them having already been filled up.

Mr. Gupta, learned advocate expresses apprehension that the petitioners may face any adverse action on the basis of the erroneous recording in the said notification as mentioned above.

Hence, the writ petitioners have written to the respondent authorities by dint of their letter October 8, 2023 seeking

clarification as to the fleet strength and number of permits to operate, on the said route.

Mr. Sadhu, learned advocate appearing for the respondent State has however raised objection as to the maintainability of the writ petition on the ground of unexplained delay in filing of the same. He indicates that the notification is of the year 2006 and published in 2007. That the order referred to on behalf of the writ petitioner pertains to the year 2011. He would submit that there would not be any justifiable reason for the petitioner not to come up before this Court seeking redress earlier.

Heard the submissions and perused the records.

The writ petitioners are the bus syndicate, the members of which are the operators and permit holders on the route No. DN16 and 16/1.

According to the records, the petitioners hold permit from the year 2004 and they continue to hold permit till date.

The Chairman, RTA and District Magistrate, North 24-Parganas in his order dated December 22, 2011 has mentioned about the fleet strength of the route to be 41 and all filled up. The notification dated November 6, 2006 has however, disclosed the fleet strength on the route, to be 18. Thus, there is a gross discrepancy as to the number of permits to operate on the route, pursuant to the two different documents of the respondent authorities.

As a matter of fact, it transpires that on the route DN16 and 16/1, total 41 permits have been issued and the vehicles have been operating since long. Therefore, it is only natural that the operators would seek clarification as to the discrepancy in the number as mentioned in the said notification dated November 9, 2006, with that mentioned in the letter dated December 22, 2011.

For this, the written representation has been submitted by the petitioners before the authority i.e. dated October 8, 2023. Let

the authority consider the same and dispose of the said representation of the petitioners by dint of a reasoned order.

In doing so, it shall afford an opportunity of hearing to the petitioners and the respondent authority and finally come to a decision within a maximum period of four weeks from the date of communication of copy of this order.

The writ petition is disposed of.

Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents.

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

(Rai Chattopadhyay, J.)