

WPA 28423 of 2024

17.12.2024

Ct.25,sl.7

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Sallam Mallik & Ors...-vs-State of West Bengal & Ors.

Mr.Sanat Kr. Roy
Mr. B.Ghosal
...for the petitioners.

Mr. Pantu Deb Roy,ld. AGP
Mr. Pannalal Bandyopadhyay
...for the State respondent.

The petitioners are the existing operators on the route from Dhaniakhali to Haripal Railway Station. They say that the route condition is not conducive for grant of new permit to the other auto rickshaws.

To seek a survey of the road to be made by the respondent and assessment as regards the road condition, the petitioners had written to the Secretary, Regional Transport Authority, Hooghly and the ex-officio Chairman thereof vide representation dated October 1, 2024.

Mr. Roy, learned advocate for the petitioners had stated that the said representation of the petitioners is yet to be attended by the respondent authorities.

Mr. Deb Roy, learned advocate is appearing for the State respondent. Mr. Deb Roy would say that the statutory duty of the respondent authorities would be to assess the road condition and feasibility for grant of permit thereon and the petitioners, who are the existing operators, would not have any

role to play in discharge of such duty, by the respondent in accordance with law.

On perusal of the records and the consideration of the submissions of the respective parties, it transpires that the petitioners being the existing operators on the route Dhaniakhali to Haripal Railway Station is aggrieved as regards the poor road condition as well as dearth of parking space and congestion thereof. They have ventilated their grievances and sought for necessary survey to be made by the parties, by dint of the representation dated October 1, 2024.

The same may not be considered to be absolutely unauthorized or not in accordance with law. Accordingly, the Court finds it proper to direct the respondent authorities i.e. the Regional Transport Authority, Hooghly to consider and dispose of the petitioners' representation dated October 1, 2024 and, if necessary, conduct the survey as prayed for therein.

Let the said respondent no. 2 grant the petitioners reasonable opportunity of hearing while deciding upon their representation as above and pass a reasoned order thereupon, within a period of six weeks from the date of communication of copy of this order.

The same shall be communicated to the petitioners within one week from date.

With the above direction, the writ petition being WPA No. 28423 of 2024 is disposed of.

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

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

(Rai Chattopadhyay, J.)