

17.12.2024
(D/L-11)
Ct.-25
(Nandita)

W.P.A. 28716 OF 2024

M/s. Achyutananda Transport Service & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Sanat Kr. Roy
Mr. Baidurya Ghosal,
.... For the Petitioners.

Mr. Amal Kumar Sen, Ld. AGP,
Ms. Ashima Das (Sil).
.... For the State.

Affidavit-of-service filed on behalf of the
petitioners be kept with the record.

The subject matter of the writ petition is
related to non-approval of the timetable submitted
by it in terms of resolution of the RTA Board
Purba Burdwan dated March 27, 2023, granting
the petitioner permission to convert the local stage
carriage permit to an express service stage carriage
permit.

The decision of the RTA Board Purba
Burdwan dated March 27, 2023 is as follows:-

***“The distance of the proposed route is 42
Km (approx). The appellant gives a chart
of stoppage & time table of local stage
carriage. The applicant also produce the***

chart of stoppage & time table for express stage carriage service. This application is allowed subject to submission of clash free time table.”

On September 12, 2024 the petitioner has submitted his letter requesting for grant of permit in accordance with the timetable produced by him along with the said letter and subject to payment of appropriate and commensurate Motor Vehicles Tax.

Mr. Roy for the petitioner has insisted that the said representation of the petitioner should be immediately considered and disposed of by the respondent Regional Transport Authority in the light of the decision of the RTA Board dated March 27, 2023.

Mr. Sen for the State respondent is, however, to raise objections as to the prayer of the petitioners insofar as, according to him the time table has been furnished by the petitioners after decision of the RTA Board Purba Burdwan in its meeting dated March 27, 2023, after an inordinate delay. He would say that the delay would defeat the cause of the writ petitioner to be benefited under the resolution of the RTA Board as above. He would further say that it is only within a reasonable period of time, that the petitioners

should have come before the respondent authorities with the proposed time table so that necessary decision could have been taken by it.

After taking into consideration the submissions of the learned lawyers respectively as well as the record, it is found that the decision of the RTA Board dated March 27, 2023 still exist and has not been overturned. There has not been any time limit fixed therein for the petitioner to come up with the timetable, after the said decision by the Board. Therefore, there would not been any impediment to the petitioners to furnish his proposed time table along with his letter dated September 12, 2024.

It, therefore, would be imperative for the respondent/ RTA to consider the feasibility of the timetable produced by the writ petitioner in the light of the decision of the Board dated March 27, 2023 and also in synchronization with the timetable of the vehicle running on the route.

Let this writ petition be disposed of by directing the respondent nos. 3 and 4 to consider the petitioners' prayer in terms of his letter dated September 12, 2024 subject to compliance with the necessary legal formalities by the petitioners as regards payment of commensurate and appropriate tax etc.

Let the exercise as above be concluded by the respondent authorities within a period of four weeks from the date of communication of this order. The petitioners shall be granted opportunity of hearing before the authority comes to any decision as regards their proposed timetable.

A reasoned order would be passed by the said respondents, either endorsing the proposed timetable or showing appropriate reason for declining the petitioners' prayer.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties, upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)