

WPA 29642 of 2024

Shampa Shee & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Barun Kumar Samanta.

... for the petitioners

Mr. Pantu Deb Roy, ld. A.G.P.,

Mr. Pannalal Bandopadhyay.

... for the State

1. Affidavit-of-service filed in Court today, is taken on record.
2. The writ petitioners are the existing operators as regards the Inter-State route from Ghatal to Bhubaneswar via Tarakeswar, Nandakumar, Bajkul, Chinsurah.
3. According to Mr. Barun Kumar Samanta, learned counsel appearing for the petitioners, the route is neither shortest between the two termini points nor the direct route.
4. In that event, he says that the petitioners desire to invoke Clause 'o' in the Reciprocal Transport Agreement dated February 16, 2019 between the two State Transport Authorities at Odisha and West Bengal, requiring them to take an unanimous decision as regards the modification of the route.
5. To that effect, the petitioners have submitted their respective representations dated October 1, 2024 before the State Transport Authorities of both the States.
6. Mr. Pantu Deb Roy, learned Additional Government Pleader is representing the State in this case.

7. The clause 'o' in the Reciprocating Transport Agreement dated February 16, 2019 has provided as follows:-

“o) The primary permit granting Authority shall not vary, extend, curtail any interstate route until such curtailment variation, extension is published in the official Gazette of both the states under sub section (6) of section 88 of the said Act. Any such curtailment variation, extension endorsed in the permanent permit by the State Transport Authority without Gazette notification under sub section (6) of section 88 shall be revoked forthwith.”

8. It is therefore, would be within the duties and power of the respective State Transport Authorities in the States of Odisha and West Bengal, to vary, extend or curtail any interstate route but not to vary the route alignment by curtailing some portion thereof, without due adherence with the provision under Section 88 (6) of the Motor Vehicles Act, 1988.
9. Upon consideration thereof, the Court finds no impediment by the said two authorities in taking up the petitioners' prayer by dint of their representation dated October 1, 2024, as mentioned above and considered the same and decide thereupon, in accordance with law.
10. Hence, it is directed that the respondent nos. 3 and 5 shall consider the petitioners representation dated October 1, 2024 and decide thereupon, after granting the petitioners a reasonable opportunity of hearing and by dint of a reasoned order, if not the prayer of the petitioners are immediately allowed. In that case,

the said respondents shall duly follow the prescribed procedure under the law.

- 11.** The entire exercise of consideration and decision shall be concluded by the respondent nos. 3 and 5 within a period of eight (8) weeks from the date of communication of copy of this order.
- 12.** Its decision by dint of the reasoned order, if any, shall be communicated to the petitioners within one week from the date of the order passed.
- 13.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 14.** With the above observations and directions, the writ petition being WPA 29642 of 2024 is disposed of, along with the pending applications, if any.
- 15.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)