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WPA 449 of 2025

Jiban Ruj & Ors. -vs-The State of West Bengal & Ors.

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

Mr. Pantu Deb Roy, Ld. AGP
Mr.Subrata Guha Biswas
....for the State.

Affidavit of service filed by the petitioners is taken on record.

The petitioner's grievance is that the respondent authorities are inclined to grant permit of auto rickshaws on the route in question, without survey of the road condition, congestion of road, traffic and safety and security of the commuters, which are said to be the prerequisites, for grant of permit, on the said route.

Mr. Roy, learned advocate for the petitioners has indicated that the contemplated action of the respondent authorities as above is in violation of the notification dated January 29,2010, which has provided as follows:-

“Grant of 3-wheeled auto-rickshaw permit within a particular district only may, however, be considered by the concerned RTA of the district after taking into consideration the road condition, congestion of road traffic and safety and security of the passengers travelling in such 3-Wheeled Auto Rickshaw as aforesaid, within the ambit and scope of the Motor /vehicles Act, 1988 and rules framed thereunder.

The Government in the Transport Department shall only be competent to grant any relaxation in the matter”.

He says that hence the petitioners have made representations before the concerned authority time and again. Those are allegedly unattended as yet.

On behalf of the State respondent serious objection has been raised as regards the contentions and the prayers of the petitioners in this case, on the ground that it is the prerogative of the authority to assess the road condition as well as to grant permit. It is further submitted that grant of permit cannot be restricted unless in accordance with law, particularly at the instance of the existing operators, in terms of the existing law.

Heard the submissions and perused the records.

It appears that pursuant to the notification dated January 29, 2010, the authority is entitled to grant permit to the three wheeled auto rickshaws after taking into consideration, the road condition, congestion of road, traffic and safety and security of the passengers travelling in the auto rickshaws.

It is the allegation of the petitioners that the road traffic condition, congestion as well as safety and security of the passengers would be alarming due to poor road condition. It is also submitted that there are not adequate number of auto-stands available and congestion of the road also would hamper smooth commutation on the road any further.

It is undisputed that the grant of permit is now subject to the liberalized policy under the Motor Vehicles

Act, 1988 and not restricted by other conditions excepting illegality in granting such permit.

Notification dated January 29, 2010 has provided that for grant of permit to auto rickshaws, the authorities shall have to take into consideration certain conditions as mentioned therein and noted above.

There are allegations regarding the conditions as above, having not been maintained on the route in question. To that effect representations are filed and lying pending before the respondent authorities.

Considering all above, the Court finds it proper to dispose of the present writ petition by directing the respondent no. 3 to consider the petitioners' representation received in its office on December 18, 2024, after granting reasonable opportunity of hearing to the petitioners and dispose it of by dint of a reasoned order.

It is further mentioned that if the authority thinks so proper, it shall take steps for survey the concerned route before undertaking any process of grant of permit to auto rickshaws, on the said route in future.

The entire exercise as above shall be completed by the respondent no. 2 within a period of six weeks from the date of communication of copy of this order and its decision shall be communicated to the writ petitioners, within one week thereafter.

With the above observations and directions the writ petition being WPA 449 of 2025 is disposed of.

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