

21.01.2025.
PB
Sl. No.15.
Ct. No.25.

WPA 1149 of 2025

Durjodhan Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Timir Baran Saha.
... For the Petitioner.

Mr. Sankar Nath Mukherjee,
Mr. Sk. Samim Akhter.
.....for the private respondent.

Mr. Amal Kumar Sen,
Ms. Ashima Das (Sil).
.....for the State.

The affidavit of service filed in Court today is taken on record.

The petitioner is aggrieved that a clash free time table has not been approved by the respondent Regional Transport Authority, Nadia, in order to enforce plying of vehicle by the private respondent through the permitted route, in terms of the permit conditions.

Allegedly, the private respondent has been plying vehicle through the curtailed route as per the provisional time table granted over there. To that effect, the petitioner has made representation containing his allegations, that is dated December 9, 2024.

Mr. Saha, learned advocate for the petitioner submits that after hearing being made upon the said representation, the Regional Transport Officer, Nadia, has passed an order dated December 20, 2024, thereby directing for submission of clash free time table for approval.

He has further contended that since the permit condition is being continuously flouted by the private respondent, his permit would be liable to be cancelled in terms of the statutory provisions.

Mr. Mukherjee, learned advocate for the private respondent, however, relies on time table issued on December 31, 2024. He submitted that a clash free time table over the permitted route, has already been issued in favour of his client, which is provisionally operative till February 28, 2025. Hence, according to him, there would not be any reason for grievance of the writ petitioner.

Mr. Sen, learned advocate is appearing for the State respondent. Mr. Sen would say that the issues raised by the petitioner in his representation dated December 9, 2024, has been addressed by the respondent, though in a piecemeal manner. That with regard to the grievance of the petitioner regarding curtailment and modification of the permitted route of the private respondent is concerned, the respondent Regional Transport Authority, Nadia, is yet to decide about the same.

So far as the time table issued on December 31, 2024, and said to be valid upto February 28, 2025, of the private respondent, Mr. Saha, learned advocate on behalf of the petitioner, has raised strong objection, on the ground that there is no notice of the same to the writ petitioner or any opportunity of hearing has ever been granted before issuance of the said time table.

Heard submissions. Perused the records.

It appears that letter of grievance was submitted by the petitioner before the respondent authority as above, on December 9, 2024, alleging non-compliance of the route alignment permitted to the private respondent in terms of the permit granted to him. Instead, the private respondent has been following the curtailed route in terms of the curtailed time table granted to him. Allegedly, the private respondent has on his own curtailed and modified the route alignment.

The said representation has been dealt with by the Regional Transport Authority, Nadia, and an order dated December 20, 2024, has been passed. However, on consideration of the said order passed by the Regional Transport Officer, it appears that the grievance of the petitioner regarding non-compliance of the permit conditions by the private respondent by not covering the entire route alignment as permitted, has not been dealt with by the said authority in the order dated December 20, 2024. Evidently, the provisional time table of the private respondent did not cover the

entire route alignment, as per the permit granted to him. Though a subsequent clash free timetable has been relied on by the said respondent, being issued on December 31, 2024, the said fact is disputed in this case.

Hence, the issues raised as regards the route curtailment by the private respondent and allegations made about the same, has not been dealt with in the said order by the Regional Transport Officer. In view of the same, the Court is of considered view that the said authority should revisit the issues as raised in its representation dated December 9, 2024, and decide about the same afresh.

Therefore, the impugned order dated December 20, 2024, by the Regional Transport Officer, Nadia, is hereby set aside.

Let the respondent no.4, the Secretary, Regional Transport Officer, RTA Nadia, consider afresh the representation of the petitioner dated December 9, 2024, by affording opportunity of hearing to the petitioner as well as the private respondent and decide thereupon afresh. The said authority shall be at liberty to approve, upon consideration, a clash free time table for the parties, to ply their vehicle as per the permit.

Let the said officer conclude the entire process as above, within a period of three weeks from the date of communication of copy of this order and pass a reasoned order thereafter. Let the said order be

communicated to the parties, within one week from its date.

It is needless to mention, that till the time, the respondent no.4 will come to a final decision with regard to the representation filed by the writ petitioner as above and issue a clash free time table afresh, the respondent would follow the time table dated December 31, 2024.

The writ petition is disposed of.

Since no affidavit has been called for, the allegations made in the writ petition are deemed to have been denied.

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

(Rai Chattopadhyay, J.)