

Ct. No.4 D/L-4 12.03.2025
(Naba)

M.A.T. 129 of 2025
With
CAN 1 of 2025
CAN 2 of 2025

DN-16 & 16/1 Bus Syndicate
Vs.
Subrata Karmakar & Ors.

Mr. Sankar Nath Mukherjee,
Mr. Niraj Gupta,
Ms. Manisha Paswan

...for the Petitioner

Mr. Pantu Deb Roy, Id. A.G.P.
Mr. P. Goswami

...for the State

Mr. Debabrata Saha Roy,
Mr. Neil Basu

...for the Writ Petitioner/Respondent

1. Heard the learned counsel for the parties.
2. The Regional Transport Authority Board, Kolkata region has taken a Resolution on 20th November, 2024. The effect of the Resolution is that the existing route from Hudco More, Ultadanga to Chingrighata via PNB, Karunamoyee and SDF Building has been modified over a span of approximately 4 kms. via Kadapara, Bengal Chemical and Bellaghata. This is the modification in respect of the route no. DN 16/1.
3. The same was assailed by the private respondent represented today by Mr. Debabrata Saha Roy. According to him, the extension is illegal and not according to the procedure prescribed and ignoring the earlier Notification dated 11.02.2025.

The present appeal has been filed against an order passed by the Hon'ble Single Judge staying the operation of the Resolution of the Regional Transport Authority which adversely affects the rights of the present appellant insofar as the enlargement of the route was in their favour. They, however, were not parties to the writ petition and the order has been stayed behind their back.

4. The learned counsel for the private respondent has vehemently submitted that the modification is unsustainable in law. Therefore, the same is required to be set aside. He submits that staying of such resolution which is illegal need not be interfered by this Court.
5. The limited issue arising before us and which we propose to consider is that in absence of the present appellant who was beneficiary of the Resolution of the Regional Transport Authority, could the order be stayed?
6. We are of the opinion that the answer to such a query would be in the negative. Without going into the rights of the parties; and the contentions regarding the Resolution being legal or illegal, we set aside the order of the Hon'ble Single Judge staying the operation of the Resolution dated 20.11.2024.

7. We permit the present appellant to make his application for impleadment in the writ proceedings. The application must be filed within 02 (two) weeks, failing which, we are of the opinion that the writ court may proceed in absence of the present appellant.
8. The appeal stands allowed in the above terms.
9. We make it clear that we have not expressed any opinion on the merits of the rival submissions.
10. The Writ Petitioner would be at liberty to make any prayer for interim relief after appearance of the present appellant, as above.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)