

Ct. No.4 D/L-5 12.03.2025
(Naba)

**F.M.A. 240 of 2025
With
CAN 1 of 2025**

**Barasat Uluberia Bus Owners
Welfare Association & Anr.
Vs.
The State of West Bengal & Ors.**

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

...for the Appellants

Mr. Pantu Deb Roy, Id. AGP,
Mr. Pannalal Bandopadhyay

...for the State

Mr. Debabrata Saha Roy,
Mr. Neil Basu

...for the Private Respondent

1. Heard the learned counsel for the parties.
2. The appeal has been filed questioning the order of the Hon'ble Single Judge dated 02.01.2025.
3. The same has directed for exchange of pleadings and the matter fixed in the combined monthly list of February 2025, without passing any interim order.
4. We find that during pendency of the present appeal the date fixed in the matter has already lapsed. We are also in agreement with the conclusions of the Hon'ble Single Judge that grant of interim relief by holding that the plying of vehicles by the private respondents therein was not in conformity with the notification dated

09.11.2006, would amount to granting the final relief in the writ proceedings, at the interim stage.

5. We are informed that the opposition has been filed by the State as well as the private respondent in the writ proceedings and only reply remains to be filed by the writ petitioner. Since the writ petitioner/appellant is of the view that there is urgency, it is obvious that he would be required to file a reply expeditiously for facilitating the consideration of the matter.
6. Without expressing any opinion on the merits of the pending writ petition, we dispose of the present appeal with liberty, as prayed for, to the present appellant to file his reply within 02 (two) weeks.
7. We leave it open for the appellant to make a mention before the writ court on grounds of urgency.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)