

Item No.
18
17.3.25

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side.**

WPA 2758 of 2025

**Arup Kumar Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Bhaskar Nandi For the Petitioner.

***Mr. Amal Kumar Sen
Ms. A. Das(Sil) ... For the State Respondent.***

The affidavit of service filed in court today be kept with the record.

The writ petitioner has two-fold grievance, as ventilated in this case.

Firstly, that the private respondent having stopped operating on the route, time table of the private respondent was earlier granted to the writ petitioner. However, since later on the private respondent applied for renewal of permit and grant of time table. The Secretary State Transport Authority, West Bengal upon hearing the parties has taken a decision on August 14, 2023 thereby directing the private respondent to place a new time table of her choice. Later on due to the said private respondent having not complied with the order of the Secretary State Transport Authority, West

Bengal as above a further direction was issued that the necessary action be taken against the private respondent including seizure of the vehicle.

It is submitted by Mr. Bhaskar Nandy appearing for the petitioner that though the private respondent has been operating on the route from Kolkata CBT to Kharkusma she has been operating under a time table starting from Kharkusma and terminating at Kolkata CBT. Thus, the petitioners have alleged that the time table being followed by the private respondents is in violation of the conditions of the permit and cannot be maintained as a valid time table.

To ventilate such grievance of the petitioner, he has written a letter to the Secretary, State Transport Authority, West Bengal seeking redress that is dated November 19, 2024.

The second limb of grievance of the petitioner is said letter has never attracted any consideration or attention of the addressee.

Hence this writ.

Mr. Sen appears for the State respondent. Mr. Sen has relied on a judgement of this court in Bimal Kumar Das Vs. State of West Bengal & Ors, reported in AIR 2016 Kolkata 324, to submit that the court has already held that a route alignment between the terminus (X) and terminus (Y) is not

equivalent to the route alignment between the terminus (Y) to terminus (X).

Having considered the submissions of the learned counsel and having perused the records, the court is of the opinion that the time table granted to the private respondent is not in accordance of the permit conditions which allow the private respondent to ply her vehicle from the originating point Kolkata CBT to the terminating point Kharkuisma. However, time table according to which the private respondent has been plying her vehicle is just reversed ie. Kharkusma to Kolkata CBT.

Hence it is necessary that the concerned respondent authority should immediately take up the issue and consider thereupon.

Hence this writ petition is disposed of by directing the respondent Secretary, State Transport Authority, West Bengal to consider and decide upon the petitioner's representation dated November 19, 2024, after giving reasonable opportunity of hearing to the petitioner and the private respondent, if it is so think fit and proper, and by dint of a reasoned order. The entire exercise as above, should be concluded by the said respondent within a period of four weeks from the date of communication of a copy of this order and it shall communication the decision to the petitioner within one week thereafter.

With the directions as above, the present writ petition is disposed of.

Since, no affidavit has been called for, allegations made in the writ petition, shall be deemed to have not admitted by the respondents.

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

(Rai Chattopadhyay, J.)