

26.02.2025
(D/L-18)
Ct.-25
(Nandita)

W.P.A.3074 of 2025

Mamata Maity
-Vs-
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. S. Das
Mrs. Sandipta Pramanik.

.... For the Petitioner.

Mr. Amal Kumar Sen, A.G.P
Ms. Ashima Das Seal.

.... For the State

1. Affidavit-of-service filed on behalf of the petitioner be kept with the record.
2. The petitioner who is the permit holder and authorized to ply his bus on the route, from Garbeta to C.K. Town via Raskundu, seeks for variation of the route, that is from Garbeta to C.K. Town via Chandrakona route.
3. Mr. Das, learned advocate appearing for the petitioner has submitted that the distance covering from Garbeta to C.K. Town via Chandrakona route is within the permissible limit of length of the route and therefore, in accordance with the provision under Section 80(3) of the Motor Vehicles Act, 1988, there would not be any impediment for the authorities to allow such variation, as proposed.

4. The petitioner, by dint of her letter dated December 18, 2024 has prayed for variation of the route under her permit, before the Secretary Regional Transport Authority, Purba Medinipur.
5. Mr. Sen, learned Additional Government Pleader represents the respondent authorities. Mr. Sen submits that the proposal of the petitioner is required to be considered by the respondent authorities, in accordance with law.
6. The conditions of original permit may be varied by inclusion of a new route or routes or a new area or by altering the route/routes/areas covered by it. Secondly, by increasing the number of trips above the specified maximum or also by the variation, extension or curtailment of the route/routes/areas, specified in the permit, provided in case of variation of the route, the termini shall not be altered and the distance covered by the variation shall not exceed 24 kilometers (per Section 80(3) of the Motor Vehicles Act, 1988). The other condition, as specified in the statute for alteration of permit condition is that any proposed variation, within the stipulated limits shall be granted by the

authority after being satisfied that such variation will serve the convenience of the public and that it is not expedient to grant a separate permit in respect of the changed alignment of the route, after variation, if granted.

7. Hence, variation of the route is permissible under the law, subject to fulfillment of the said statutory pre-conditions.
8. After hearing both the learned advocates the court finds is proper to dispose of the writ petition by directing the respondent/ Secretary, Regional Transport Authority, Purba Medinipur, to consider the petitioner's representation dated December 18, 2024, in accordance with law. Needless is to mention that in case he finds no infirmity or illegality as regards variation as proposed by the petitioner, necessary order shall immediately be passed by the said respondent, by allowing such prayer of the petitioner.
9. Let the said respondent decide on the representation of the petitioner dated December 18, 2024, within a period of three weeks from the date of communication of copy this order. Let the

petitioner also communicate a photocopy of her representation dated December 18, 2024, along with a copy of this order, to the said respondent authority. The Secretary, RTA, Purba Medinipore, while considering the petitioner's prayer as above, shall afford reasonable opportunity of hearing to the petitioner, before finally deciding thereupon.

10. Let the decision of the Secretary, Regional Transport Authority, Purba Medinipur be communicated to the petitioner within one week from the date of his order.
11. With the directions as above, the present writ petition being **WPA 3074 of 2025** is disposed of, along with the pending applications, if any.
12. Urgent certified photocopy of this order, if applied for, shall be supplied to the parties upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)