

WPA 3703 of 2025

Sabur Ali Sk. @ Saburali Sk.
Vs.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee,
Ms. Tiya Ghosh,
Mr. Raja Roy.

... for the petitioner

Mr. Pantu Deb Roy, Id. A.G.P.,
Mr. Pannalal Bandopadhyay.

...for the State

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner is the stage carriage operator in possession of the permit No. PSTP/B/46/2006, with respect to his Bus No. WB53/8057.
3. The petitioner has been operating on the route from Bishore to Rampurhat since 2006 and following the timetable as appended with the present writ petition at page 25.
4. The petitioner is aggrieved that all on a sudden pursuant to an order of the Officer-in-Charge, Transport, Rampurhat, Birbhum dated December 10, 2024, he has been directed to follow the other timetable, which has been issued by the said authority in the year 2007, instead of the current one which the petitioner is following.
5. Mr. Prosenjit Mukherjee, learned counsel appearing for the petitioner has raised grievance that the 2007 timetable, which substantially diverts the route for which the petition has been issued with the said

permit, hence is violating the permit conditions and is prejudicial to the petitioner.

- 6.** He has also raised challenge as regards the authenticity and credibility of the 2007 timetable as according to the petitioner, the said document is a forged one.
- 7.** Mr. Mukherjee has further referred to a joint decision of the petitioner and the private respondent operators, at the instance of Birbhum Zilla Bus Malik Samity, that on November 30, 2024, both the parties have jointly come to an unanimous decision as regards the clash free timetable. Hence, the same is only to be followed by the parties to the said joint decision.
- 8.** In view of that unanimous decision between the parties as has been arrived at on November 30, 2024, he would say, that the subsequent order of the Officer-in-Charge, Transport, Rampurhat, Birbhum dated December 10, 2024 thereby directing the petitioner to follow the timetable of 2007 would not be a maintainable one.
- 9.** Excepting the above, the other ground of immense prejudice having been caused to the petitioner, has been made up.
- 10.** Mr. Prosenjit Mukherjee, learned counsel seeks that the said order as impugned in the present case may be set aside.
- 11.** Mr. Pantu Deb Roy, learned Additional Government Pleader is representing the State. He submits that it is within the discretion of the respondent authority to modify the provisional

timetable as per exigency and there would not be any illegality for the respondent authority to change the timetable, if it is done so.

12. Having heard the submissions of the learned counsels and perusing the records, it is found that pursuant to the permit as above issued to the writ petitioner, he was initially granted timetable dated February 1, 2006.

13. He has, thereafter, vide the impugned order dated December 10, 2024 been directed to follow a timetable issued in the year 2007, which is different from the initial one as was allowed to him.

14. However, in the meantime, there has been a private arrangement between the petitioner and the private respondent, as regards the clash free timetable to be followed by them that is, in the meeting dated November 30, 2024.

15. Though, there can be no two opinions as regards the proposition that the respondent has enough discretionary power under the law, to issue timetable, keeping in consideration the exigency of situation, it is also duty bound to encourage and ensure a timetable of the operators on a route, which is clash free for smooth running of vehicles as well as for convenience of the commuters. In that view of the matter, the Court is of the considered opinion that the respondent authority should take into consideration the clash free timetable as has been agreed between the petitioner and the private respondent as the condition of the respective permits issued to them.

- 16.** Therefore, the Court finds it proper to dispose of this writ petition by directing the Secretary, RTA, Birbhum/respondent no. 3 to consider for grant of a clash free timetable acceptable to the parties concerned.
- 17.** In doing so, the said respondent is directed to allow opportunity of hearing to the petitioner, the private respondent and any other party as it may deem fit and proper and also consider the previous unanimous decision as regards the clash free timetable as entered into between the petitioner and the private respondent, on November 30, 2024.
- 18.** Needless is to say that the said respondent no. 3 shall also consider the initial timetable as was granted to the present petitioner, which has been followed by him from 2006 till date.
- 19.** Let the said respondent no. 3 come to a logical conclusion as to the clash free timetable on the route and pass a reasoned order in this regard.
- 20.** The entire exercise as above should be concluded within a period of three weeks from the date of communication of copy of this order.
- 21.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 22.** With the above observations and directions, the writ petition being WPA 3703 of 2025 is disposed of, along with the pending applications, if any.

23. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)