

19.03.2025.

PB

Sl. No.20.

Ct. No.25.

WPA 4545 of 2025

Krishna Mahato & Ors.

Vs.

The State of West Bengal & Ors.

Mr. S. Shah,
Mr. Soumen Barman.

... For the Petitioners.

Mr. Pradip Kr. Kundu.

... for the respondent no.10 & 11.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay.

... for the State.

The writ petitioners are the operators and permit holders of auto rickshaws in the route from Birlapur to Budge Budge station. Allegedly, the writ petitioners are being restrained in smooth operation by the respondent no.9 and 10, who are the port-folio holders of local auto rickshaws union. Hence, the writ petitioners have written a letter of complaint dated January 7, 2025, before the respondent authority. According to them, the same has also not been considered as yet. Thus, being aggrieved, the petitioner has come up by filing this writ petition.

Mr. Kundu, learned advocate appearing for the respondent nos.9 and 10, has, however, made strong objection as to the prayer of the petitioner in the case. He says that the allegation as against the respondent

nos.9 and 10 are baseless and fabricated. He says that the said respondents being the port-folio holders of auto rickshaw union of the locality peacefully ply their respective vehicles over the route and there is no instance of any untoward and violent incident having happened as yet. According to the said respondent, the allegation of the petitioners against the two persons having restrained the 20 operators in plying their respective vehicles is also an improbable proposition. Hence, in absence of any cogent materials, the petitioners contention in the present writ petition should be rejected, the learned advocate for the said respondent nos.9 and 10 has submitted.

Mr. Deb Roy appearing for the State respondent has stated that the petitioner's contention is not supported by any sufficient material.

Heard the submissions of the learned advocates and perused the documents.

It appears that the representation of the writ petitioners is now pending before the concerned respondent authority containing the grievance of the petitioners, which has not yet been attended and considered by the said respondents. Therefore, the Court is of considered opinion that the present writ petition may be disposed of by directing the Officer-in-Charge of Budge Budge Police Station to consider the representation of the petitioners dated January 7, 2025, and if necessary to afford an opportunity of

hearing to the petitioners as well as the respondent nos.9 and 10. The purpose is for him to ensure peaceful plying of vehicles by the valid operators on the said route. In case, the Officer-in-Charge of Budge Budge Police Station finds any illegality or improbability having taken place restraining peaceful plying of vehicles by the valid operators over the said route, he shall be at liberty to take action in accordance with law.

Let an inspection be conducted by him in this case, within a period of three weeks from the date of communication of copy of this order.

With the direction as above, the writ petition is disposed of.

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