

ML - 10
05.05.2025
Court No. **25**
D.Hira

WPA 4816 of 2025

Sekh Musibul @ Sk. Musibul & Ors.
Vs.
State of West Bengal & Ors.

Mr. Shahan Shah,
Mr. Soumen Barman,
Mr. U.M. Khan.

... for the petitioners

Mr. Pradip Kumar Kundu.

... for the respondent
Nos. 9 & 10

Mr. Amal Kumar Sen, Id. A.G.P.,
Ms. Ashima Das (Sil).

... for the State

1. This writ petition is the result of animosity between the two groups of operators, who ply their auto rickshaws on the route from Birlapur to Budge Budge station.
2. The petitioners have claimed that they are the permit holders and are entitled to ply their vehicles on the said route, though have been restrained unlawfully by the private respondents.
3. Mr. Pradip Kumar Kundu, learned counsel is appearing for the private respondents, today in Court.
4. It is submitted that previously the writ petition filed by the present petitioners on the self-same cause of action has been dismissed by the Hon'ble Coordinate Bench, vide order dated November 6, 2024.
5. It is submitted further that the writ petitioners are plying unauthorizedly on the said route and also that the entire allegation against the private respondents are only misconceived and falsely made.

6. Record reveals that ventilating their grievance, the petitioners have already written letter to the concerned respondent authorities that is dated February 5, 2025 seeking redress thereof.
7. Having perused the order of the Hon'ble Coordinate Bench dated November 6, 2024 in WPA No. 24667 of 2024, it is found that the Court by dint of the said order has not dismissed the writ petition on merits but in view of the fact that the other Coordinate Bench has already taken up the petitioner's case and passed order. Hence, the Court found in the order dated November 6, 2024 that the writ petition is not maintainable, the grievance of the petitioners having already been mitigated.
8. However, according to the petitioners, that was not the end of agony of the petitioners, for the reason that the private respondents have never stopped disturbance and restraining in their smooth plying of auto rickshaws on the route as per their permit.
9. Having heard the learned counsels for the parties and having perused the records as above, the Court is of considered opinion that by virtue of the permit granted to the petitioners, the petitioners would be entitled to ply their vehicles on the route as per the permit.
10. In case, they are restrained by anyone from plying their vehicles in accordance with the permit conditions that would amount to violation of their rights thereunder. In that case, the grievance of the petitioners is required to be addressed and resolved.

- 11.** On the finding as above, it is found proper to dispose of the present writ petition by directing the Officer-in-Charge of Budge Budge Police Station, to consider the representation of the petitioners dated February 5, 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 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.
- 12.** 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.
- 13.** With the above observations and directions, the writ petition being No WPA 4816 of 2025 is disposed of, along with the pending applications, if any.
- 14.** Since no affidavit has been called for, allegations made in the writ petition, shall be deemed not to have been admitted by the respondents.
- 15.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)