

07.05.2025.

PB

Sl. No.28.

Ct. No.25.

WPA 7248 of 2025

Sujit Das & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Mahammad Mahmud.

... For the Petitioner.

Mr. Pantu Deb Roy,

Mr. Pannalal Bandopadhyay.

.....For the State.

The petitioners are the existing operator. Their allegation is that the alignment of the other route has traversed and overlapped the route alignment permitted as per their permits. Hence, they have made a representation before the District Magistrate, Hooghly, dated September 18, 2024, for redress of their grievance.

Mr. Deb Roy appears for the respondent State. Mr. Deb Roy is of the firm view that the existing operator cannot maintain the writ petition unless he shows certain illegalities to have been committed in grant of permit to the other operators. He says that in this case, there is no such ground shown by the writ petitioner. Hence, the writ petition would not be maintainable.

The law is well settled that to protect the business interest, an existing operator would not be entitled to raise objection against grant of new permit, unless such grant is marred with illegality. This is the liberalised policy, as per the scheme of the statute itself. Hence, it is necessary to consider the petitioner's prayer, as above.

Having heard the learned advocates for the parties, it is found proper to direct the respondent no.3, to immediately take up the petitioners' representation dated September 18, 2024 and decide thereupon, after affording reasonable opportunity of hearing to the writ petitioners and pass a reasoned order. His order may be communicated to the petitioner, within one week.

The entire exercise as above, should be concluded, within a period of four weeks from the date of communication of copy of this order.

The writ petition is disposed of.

Since no affidavit is called for in this case, the allegations made in the writ petition, are deemed to have been denied by the respondents.

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

(Rai Chattopadhyay, J.)