

21.05.2025
Court No. 25
S.G. (p.a)

WPA 8753 of 2025

Ajoy Kumar Banerjee
Vs.
The State of West Bengal & Ors.

Mr. N. I. Khan
Mr. Amlan Kr. Mukherjee
... for the Petitioner.

Mr. Pantu Deb Roy, Id. AGP
Mr. Panna lal Bandyopadhyay
...for the State

- 1.** Being dissatisfied with an order of the Board, Regional Transport Authority, Paschim Burdwan, dated November 28, 2024, the writ petitioner filed a representation dated March 24, 2025, before the said Authority. He is aggrieved that his representation as above has not been considered as yet by the said Authority. Hence, he has filed the instant petition seeking an appropriate order.
- 2.** The writ petitioner had earlier filed his application for issuance of permit for the auto-rickshaw. In pursuance to the same he was granted an offer letter in the year 2013 by the Regional Authority at undivided Burdwan district. However, permit was not issued to the petitioner due to his not placing a vehicle in terms of the said offer letter.
- 3.** It is submitted that later on the petitioner was detected with the terminal disease and since thereafter has been suffering from cancer. In the

meantime, in the year 2017, the district Burdwan was bifurcated.

4. Pursuant to the Court's order dated August 12, 2024, in WPA No. 18801 of 2024 the Board, Regional Transport Authority, Paschim Burdwan, takes up the petitioner's prayer for issuance of the permit and decides vide the said order dated November 28, 2024, in the following manner:

"And Whereas it has been observed by the members of the R.T.A. Board, Paschim Bardhaman that the route wherein there is an Application for having permit has already been pre-occupied by the previous permit holders, also supplemented by the information received from the M.V.I. (N.T.), Durgapur, as such, it has been held unanimously by the members of the R.T.A. Board, Paschim Bardhaman that within 500 meters from the either side of the existing route, but, excluding the main portion and subject to confirmation of the concerned A.R.T.O., the petitioner's prayer may be considered and therefore, let a written intimation from the Writ Petitioner be received.

Now, therefore, in view of the aforesaid, the Writ Petitioners' cause, as germinated from his representation dated July 10, 2024 has been considered and disposed of in the terms mentioned above."

5. It has thereafter been followed by a letter of the writ petitioner dated March 24, 2025. In the same, he has put forth a counter proposal and has sought for grant of permit on the said proposed alternative route, instead of what has been decided by the Board vide order dated November 28, 2024.

6. However, the Court finds that as regards the application of the petitioner for issuance of permit on a certain route, the respondent Authority has come to a finding vide order dated November 28, 2024 and informed the same to the petitioner. Therefore, application of the petitioner has been decided and disposed of by the Authority, by dint of the said order. After the same, there would not be any further scope for the petitioner by way of advancing any counter proposal, to seek for issuance of permit for some other route. Instead, in accordance with the statutory provision, the petitioner should have come up with a separate application, if any, to seek issuance of permit over there. Hence, it is found that grievance of the petitioner due to alleged non-consideration of his prayer vide letter dated March, 24, 2025, is not maintainable.

7. However, the petitioner is a terminally ill person who needs source of sustenance. Also that admittedly the petitioner has previously filed his application with the statutory fees along with the same. In consideration of the present situation of the petitioner and to do complete justice, the Court finds it proper to exonerate the petitioner from the statutory duty to pay the application fees, while granting him liberty to apply afresh for issuance of the permit. Therefore, considering all as above, in this case, the Court is intended to pass the following orders:

I. Let the petitioner file application afresh for issuance of permit to him, over his preferred route;

II. Let the respondent No.4 accept the same without insisting for submission of statutory fees for the same;

III. Let the Board RTA, Paschim Burdwan consider the application of the petitioner, if submitted, with sympathy and compassion and issue him the permit, if not otherwise restricted for any lawful or viable reason and after granting him a reasonable opportunity for hearing;

IV. Otherwise let the Board pass a reasoned order and communicate the same to the petitioner, within one week from its date;

V. The entire exercise as above shall be concluded by the respondent Board, within 4 weeks from the date of submission of application by the petitioner, if any.

8. WPA 8753 of 2025 is disposed of.

9. Since no affidavit-in-opposition has been called for in the case, the allegations in the writ petition are deemed to have been denied by the respondents.

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

(Rai Chattopadhyay, J.)