

S/L 8
02.12.2025
Court No.10
Swd

WPA 11386 of 2024

**Abdul Qadir Ansari & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Mansoor Alam.

... for the Petitioner.

*Mr. Pantu Deb Roy, Ld. AGP,
Mr. S. Panja.*

... for the State.

1. Leave is granted to the petitioner to add the Regional Transport Authority, Kolkata and the Secretary, Regional Transport Authority, Kolkata as a party to the proceeding in course of today.

2. Heard the learned Counsels for both the parties.

3. In the instant writ petition, the petitioner has prayed for following reliefs:-

“a) To issue a Rule of Mandamus by setting aside the Impugned Reason Order dated 19.12.2023 passed by the Chairman, Regional Transport Authority and District Magistrate, South 24 Parganas in relation to W.P.A. No.21654 of 2023 (Abdul Quadir Ansari & Others -Vs- State of W.B. & Others) and give no effect to the said reason order;

b) To issue a writ of Mandamus do directing the appropriate authority to change the route of auto rickshaw of the petitioners as prayed for

in the representation dated 15.07.2023 before them forthwith in accordance with law;

c) To issue Rule of Certiorari directing the respondents authority to transmit all the records before this Hon'ble Court SO that conscionable justice may be done;

d) Rule NISI in terms of prayers (a), (b) and (c) above;”

4. Main grievance of the petitioner is with regard to the non-consideration of the representation dated 15.07.2023 for the change of the proposed route from Akra Fatak to Khidirpur and Ramnagar to Badartala.
5. The petitioner files a supplementary affidavit, to bring on record that during the pendency of the writ petition certain developments had occurred and also to rely upon certain relevant documents obtained from the transport authority for proper consideration of the matter. The same are annexed to the supplementary affidavit affirmed on 17th November, 2025 and the same is kept on record.
6. The petitioner states that on 13th September, 2024, the respondent No.5 wrote a letter to the Additional Secretary, Government of West Bengal, Transport Department to take necessary steps in terms of

memoNo.10404/MV dated 13.09.2024
regarding the transfer of two permits from
Santoshpur Station – Karbala to Ramnagar –
Badartala via Metiabruz.

7. Thereafter the Deputy Secretary, Government of West Bengal wrote a letter to the respondent No.4 to express his views with regard to the transfer of permits. Subsequently it was informed that the matter shall be taken up by RTA, Kolkata to ascertain if any notified route exists to offer the petitioner subject to the availability of vacancy.
8. Thereafter, the respondent No.4 requested to the Deputy Commissioner of Police, Traffic Department, Kolkata and the Additional Superintendent of Police (Traffic), Diamond Harbour Police District for conducting a joint inspection with the Motor Vehicles Officer in order to assess the situation comprehensively.
9. Upon such joint inspection made by the Deputy Commissioner of Police, Traffic Department, Kolkata the respondent No.5 was informed by way of letter dated 27th February, 2025, which is reproduced below:

"The route has been assessed from traffic point of view, congestion levels and safety concerns and no major disruptions are anticipated and

also increased availability of autos Rickshaws, will improve public transport accessibility and benefits daily commuters.

Based on the above circumstances, there is 'No Objection' from traffic point of view for inclusion of new Auto Rickshaws in the existing Auto routes".

10. The Additional District Magistrate (General) wrote a letter to the Director Transport Directorate, Government of West Bengal requesting, inter alia, to take necessary steps to issue permits in the proposed two routes.
11. In furtherance of the earlier letter dated 29th July, 2025, both the Secretary RTA, Kolkata Board to take a decision and request to RTO, South 24 Parganas were requested to take decision for resolving the issue involved herein.
12. The petitioner submits that subsequent to the filing of the writ petition the petitioner came to know that authority concerned have taken steps for change of routes in respect of one Auto-rickshaw bearing permit No.AR/1409 whose existing route was Riverside to Sailoshree and route was changed as Akra Fatak to Khidirpur on 03.03.2014. It is further stated that since already no

objection has been granted by the Secretary, RTA, Kolkata.

13. The State respondent submits that already no objection has been granted by RTA, Kolkata and the RTA Board South 24 Parganas is the competent authority to decide the issue of granting permit for the route in question.
14. Having heard the parties, I am of the considered view that the petitioner is directed to make a comprehensive representation annexing the relevant documents before the RTA Board South 24 Parganas within a period of one week and the authority concerned shall consider the same within the period of six weeks by passing a reasoned order in accordance with law, upon affording opportunity of hearing to all the parties and communicate the same preferably within a week thereafter.
15. It is made clear that the authority concerned shall consider the decisions in the light of the notification along with the memo No.4789/PA/DCTP dated 27.02.2025, Memo No.11569/MV dated 1.03.2025 and memo NO.RTA/839 dated 29.07.2025 as annexed to the writ petition along with other documents, if required at the time of hearing. At the time

of consideration if the petitioner is found to be eligible then the permission has to be granted to the petitioner forthwith, for the proposed route in question.

16. With the above observation and directions, this writ petition is disposed of without any order as to costs.

17. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)