

Item.
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19.06.2025
ssi

Ct. 551

WPA 10030 of 2025
CAN 1 of 2025

Ram Pujan
-vs-
The State of West Bengal & others.

Mr. Debabrata Saha Roy, Sr. Adv
Mr. Debabrata Chakraborti
Mr. Sankha Biswas
...for the petitioner

Mr. Ashim Kumar Ganguly
Mr. Pannalal Bandopadhyay
...for the State

Ms. Aishwarya Rajyashree
...for respondent nos. 5 to 7

Mr. Arabinda Chatterjee, Sr. Adv.
Ms. Kakali Dutta
...for the addition of party

The writ petitioner had initially approached this Court by filing WP No. 903 of 2009 challenging to a Memo dated December 19, 2008 issued by the Deputy Secretary, State Transport Authority, West Bengal addressed to the Secretary, State Transport Authority, Jharkhand whereby the State Transport Authorities, West Bengal had refused to countersign the Permit No. P.S.T.S. 97 of 2006 issued by the State Transport Authority, Jharkhand for the route Jamshedpur to Durgapur via Burdwan, Kating, Patamda and Bankura. The said writ petition was disposed of by this

Court by an order dated December 8, 2009 thereby setting aside the impugned memo dated December 19, 2008 and directing the State Transport Authorities, West Bengal to countersign the permit. Upon expiry of the validity of the permit when the petitioner sought renewal, the same problem recurred and the petitioner had to approach this Court again. It is submitted that on almost every occasion, the petitioner has had to approach this Court with the same grievance and this Court has had to intervene in the matter to grant relief to the petitioner.

It is the petitioner's case that the last of such recourses to this Court by the petitioner had been when the petitioner filed WPO 531 of 2022. The said writ petition was disposed of by an order dated August 1, 2023 thereby directing as follows:

“ It is expected that the STA, West Bengal and the STA, Jharkhand will come to a decision within three months from today which is considered to be a reasonable period for completion of all exercises in terms of the order passed by this Court. Fixing a reasonable period is necessary since the added respondents have expressed their continued grievance in face of the discrepancy in the two routes. The STA, West Bengal and the STA, Jharkhand will publish the decision pursuant to the discussion in their respective websites and also give notices to the parties in the present writ petition within two weeks from the date of publication of the decision in the official website.

It is also made clear that there should not be any unreasonable delay on the part of the two authorities since one of

the parties before the Court is continuing to enjoy interim protection. The interim order which is till 21st August, 2023 will continue until four weeks from the communication of the decision to the parties.”

One of the added respondents (who is the applicant in CAN 1 of 2025) in the said writ petition carried the said order passed in WPO 531 of 2022 in appeal before the Hon’ble Division Bench. The said appeal being APO 133 of 2023 was decided along with the other appeals preferred by the other respondents in other writ petitions by a common judgment and order dated April 5, 2024 thereby directing as follows:

“During the hearing of the instant appeal, the counsel for the State hands over the decision taken by the RTA of the respective States wherein the route for which the respondent no 8 was granted permit has been rectified by amending and/or incorporating in the reciprocal agreement. The aforesaid decision has been taken on 5th December, 2023 and 6th December, 2023 by the respective States and, therefore, the contention of the appellant cannot faulted that the route for which the permit was granted to the respondent no. 8 by the State of Jharkhand has been rectified. There is no fetter on the part of the Court to take note of the subsequent events and in the event, the authorities have acted strictly within the purview of the statutory provision, the same cannot be said to be infirmed and/or illegal. In this regard, we further find that the reciprocal agreement contains a specific provision that any change or the correction in any Clause of the agreement or any addition or deletion of the routes, any correction

of changes in the alignment of routes may be done by a mutual consent after discussion. By virtue of the said Clause, the mutual discussion has taken place and the discrepancies have been removed but such alteration or the incorporation can only take effect after the same is duly published in the official gazette in the respective States. We have not been informed by the counsel for the State that the same has been published in the official gazette and, therefore, we modify the order impugned in the instant appeal to the extent that the counter-signature to the permits can only be made after, the amendment in the reciprocal agreement is duly published in the official gazette strictly in terms of Sections 88(5) and 88(6) of the said Act. With this observation, all the appeals are disposed of.”

The said order dated April 5, 2024 passed by the Hon’ble Division Bench was carried to the Hon’ble Supreme Court by filing Special Leave Petition (Civil) Diary No. 55047 of 2024. However, the same were dismissed as withdrawn with liberty to avail appropriate legal remedy before the appropriate forum in accordance with law. It is submitted by the parties that the order passed by the Hon’ble Division Bench has now attained finality and the same is now holding the field.

The writ petitioner has now approached this Court by filing the instant writ petition seeking issuance of a writ of mandamus “directing the respondent authorities mainly respondent nos.2 & 5 their men and agent, servants and subordinates to take immediate steps to act as per the

Judgment and Order of the Hon'ble Court dated 01.08.2023 passed in WPO 530/2022 which is merged with the Judgment of the Hon'ble Court dated 05.04.2024, made in APO 133/2023 and APO 148/2023, for publication of the route, and to act in accordance with law.”

Mr. Saha Roy, learned senior advocate, appearing for the petitioner submits that the writ petitioner only seeks implementation of the orders dated April 5, 2024 passed by the Hon'ble Division Bench in APO 133 of 2023 and APO 148 of 2023 by the Respondents Governments Authorities of the State of West Bengal and the State of Jharkhand.

Mr. Chatterjee, learned senior advocate, appearing for the applicant in CAN 1 of 2025, which is an application for addition of party, submits that his only concern is that amendments to the inter-State agreement between the State of Jharkhand and State of West Bengal may be carried out by the Respondents without following the procedure prescribed in Sub Sections 5 and 6 of Section 88 of the Motor Vehicles Act, 1988.

This Court is of the view that the contention of Mr. Chatterjee, has well-been taken care of by the order dated April 5, 2024 passed by the Hon'ble Division Bench, the relevant extract whereof has already been quoted hereinabove.

In such view of the matter, WPA 10030 of 2025 is disposed of by directing the respondents herein to take steps strictly in accordance with the directions contained in the

order dated April 5, 2024 passed by the Hon'ble Division Bench in APO 133 of 2023 and APO 148 of 2023, preferably within a period of twelve weeks from the date of communication of this order.

With the above observations, WPA 10030 of 2025 stands disposed of. Since Mr. Chatterjee has already been heard on behalf of the applicant in CAN1 of 2025 therefore CAN 1 of 2025 also stands disposed of accordingly.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on priority basis upon compliance of all formalities.

(Om Narayan Rai, J.)