

18.08.2025
Item No.31
gd/ssd

WPA(P)/269/2022
KRISHNA KANTA SAHA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Anindya Lahiri, Id. Sr. Adv.
Mr. Samrat Dey Paul,
Mr. Subhomoy Paul,
Ms. Anish Chakraborty
..for the Petitioner.

Mr. Nilotpal Chatterjee,
Mr. S. Adak
..for the State.

Mr. Partha Ghosh
..for the Union of India.

1. With the consent finally heard.
2. The principal attack in this petition is on the Circular No.1153/BZP dated 05.05.2022 wherein Birbhum Zilla Parishad enables itself to levy toll tax.
3. When this matter came up for consideration on 12.07.2022, the Coordinate Bench directed respondent no.4 to immediately look into the issue and take appropriate steps to stop collection of toll at the instance of Zilla Parishad.
4. Sri Nilotpal Chatterjee, learned Government counsel by taking this court to his report and document dated 13.07.2022 annexed therewith contends that the Government directed to forthwith discontinue with the said practice of collection of toll by

the Zilla Parishad on the said diversion road from the vehicles with immediate effect. Para XVI in page 11 reads thus:

“XVI. The D.I.C.O., Birbhum with request for wide publicity.”

5. The learned counsel for the parties agreed that the impugned Circular dated 05.05.2022 may be set aside and the PIL may be disposed of by keeping the larger legal issue open to be decided in appropriate case.

6. In view of consensus arrived at, the impugned Circular dated 05.05.2022 (Annexure P-2) is set aside.

7. The legal issue involved shall remain open to be decided in appropriate case.

8. This petition is disposed of without expressing any opinion on the merits of the case.

(SUJOY PAUL, J)

(SMITA DAS DE, J.)