

S/L 84
04.12.2025
Court No.10
Swd

WPA 11636 of 2025

**M/s Debi Parul Transport Service & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. N. I. Khan,
Mr. Amlan Kr. Mukerjee,
Mr. Dilip Kr. Mandal.*

... for the Petitioner.

*Mr. Sanat Kumar Roy.
Mr. Baidurya Ghosal.*

... for the Respondent.

*Mr. Pantu Deb Roy, Ld. AGP,
Mr. Subrata Guha Biswas.*

... for the State.

1. Heard the learned Counsels for both the parties at length.
2. Supplementary affidavit and the reply filed by the respective learned Counsels, are kept on record.
3. In the instant case, the learned Counsel for the respondent No.5 is the lawful holder of PStP No.220/1996-97 and is plying the attached vehicle No.WB37D/2252 on the route Burdwan to Borakar via Panagarh, Andal, Asansol etc. following the approved timetable.
4. The learned Counsel for the respondent No.5 states that as per the approved timetable dated 22.09.2014 the respondent had to depart the vehicle from Burdwan 11.30 a.m. with the arrival time at Borakar at 2.35 p.m

and on down trip the vehicle had to depart from Borakar at 3.30 p.m. with the arrival time at Burdwan at 6.50 p.m.

5. Thereafter in course of plying the vehicle under the permit the petitioner sought for revision of the timetable from the reverse end altering the starting point based on which the authorities approved revised timetable on 27.05.2022 bearing memo No.906/MV/Pubdn. The petitioner started plying his vehicle from Nababhat bus stand at 7.55 a.m. with the arrival time at Asansol at 11.15 a.m. covering the running time by 3 hours 20 minutes.
6. The learned Counsel for the respondent submits that the said timetable was approved unilaterally on the prayer of the petitioner for plying the vehicle commencing journey from the reverse point, that is, Burdwan to Asansol altering the starting point, that is, Asansol to Burdwan which not only runs contrary to the conditions of the elements of permit but also is in violation of the provision of the Motor Vehicle Act and the Corresponding Rules.
7. The learned Counsel for the respondent relies upon Section 80 Sub-Section 3 of the Motor Vehicle Act, 1988 which is reproduced below:

“An application to vary the conditions of any permit, other than a temporary permit, by the inclusion of a new route or routes or a new area or by altering the route or routes or area covered by it, or in the case of a stage carriage permit by increasing the number of trips above the specified maximum or by the variation, extension or curtailment of the route or routes or the area specified in the permit shall be treated as an application for the grant of a new permit: Provided that it shall not be necessary so to treat an application made by the holder of stage carriage permit who provides the only service on any route to increase the frequency of the service so provided without any increase in the number of vehicles:

Provided further that,

(i) in the case of variation, the termini shall not be altered and the distance covered by the variation shall not exceed twenty-four kilometres;

(ii) in the case of extension, the distance covered by extension shall not exceed twenty-four kilometres from the termini,

and any such variation or extension within such limits shall be made only after the transport authority is satisfied that such variation will serve the convenience of the

public and that it is not expedient to grant a separate permit in respect of the original route as so varied or extended or any part thereof.”

8. The learned Counsel for the respondent submits that the petitioner has intentionally misrepresented before the authority by demonstrating that the original route was Burdwan to Asansol whereas the permit was initially granted to the petitioner was for Asansol to Burdwan. The petitioner made a diversion application dated 22.02.2023 for the permit from Burdwan to Asansol. Subsequently another application was made on 06.12.2023 for the curtailment of the route. The applications were considered by the RTA Board on 27.03.2023 and a resolution was passed accordingly.
9. The learned Counsel for the respondent No.5 submits that counter signature of the permit was never obtained by the petitioner for validating the entire route.
10. The learned Counsel for the respondent has raised an objection and submits that subsequently the counter signature was obtained from the authority concerned.
11. The learned Counsel for the petitioner also submits that the permit has been regularized

from the RTA, Pachim Burdwan instead of Purba Burdwan.

12. After hearing the rival contention of the parties and upon perusing the materials available on record I am of the considered view that the issue involved herein is with regard to the diversion of the terminal route whether the same can be altered in the guise of the diversion contrary to proviso of Section 80 Sub-Section 3 of the Motor Vehicle Act, 1988.
13. It appears from the record that already the authority concerned considered the time table vide No.906/MV/Pubdn dated 27.05.2022 pertaining to the route from Burdwan (Nababhat Bus Stand) to Asansol.
14. Subsequently a complaint was lodged for misplacing the original time table. By considering the same a duplicate time table was issued being memo No.621/MV/PVDN dated 15.03.2024 being the replica of the original time table being memo No.906/MV/Pubdn.
15. The RTO Purba Burdwan Vide order dated 03.05.2023 was pleased to revoke the said time table directing, inter alia, to submit a fresh time table for its original route.

16. The permit holder was allowed to run its vehicle provisionally through the existing time table failing which, shall be revoked.
17. In order to resolve the issue, the respondent No.2 is directed to serve a notice of hearing upon all the interested parties for considering the issue of an approved time table and grant of permit in respect of the diversion route. The respondent No.2 shall pass a reasoned order within a period of sixty days in accordance with law upon affording opportunity of hearing to all the interested parties and shall arrive at a logical stand and communicate such decision preferably within a week thereafter.
18. With the above observation and directions, this writ petition WPA 1 of 2025 is disposed of without any order as to costs.
19. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)