

N.22S1

151/CL

19.06.25

Sl-15

Ct.551

(S.R.)

WPA 12776 of 2025

Debabrata Dutta & Anr.

v.

The State of West Bengal & Ors.

Mr. Soumen Bhattacharjee

Mr. Ankan Das

Ms. Shradhya Ghosh ... for the petitioner.

Mr. Srijan Nayak

Ms. Rituparna Maitrafor the State.

Ms. Lipika Das(VC)

... for the private respondents.

Affidavit of service filed today be kept with the record.

The petitioners are aggrieved by the obstruction and impediment allegedly put up by the Respondent Nos. 6 and 7 in the petitioners' operation/plying of auto rickshaw on Route No.45 Auto (Chandannagar Railway Station West Side to Nasibpur Railway Station) in terms of the permit granted to the petitioners on April 26, 2024, which is valid till April 25, 2029.

Mr. Bhattacharjee, learned advocate appearing for the petitioners submits that the private respondents i.e. the respondent nos.6 and 7 have been continuously impeding the petitioners' plying of auto rickshaw on the said route and that, several representations made both to the Regional Transport Authority as well as the Police

Authorities have failed to bear any fruit.

Mr. Bhattacharjee invites the attention of this Court to a representation dated May 4, 2025 made by the petitioners to the District Magistrate, Regional Transport Authority, Hooghly and the Regional Transport Officer, RTA, Hooghly and submits that despite the said representation having been made to the highest Regional Transport Authority of the District no action has been taken in such regard.

Learned advocate appearing for the respondent nos.6 and 7 submits that the allegations levelled by the petitioners against the respondent nos.6 and 7 are unfounded and that the respondent nos.6 and 7 are not disturbing plying of the petitioners' vehicle. She however seeks time to file affidavit-in-opposition to the writ petition.

In view of the nature of grievances raised by the petitioners and the submissions made by the parties, no useful purpose will be served by keeping this writ petition pending and directing exchange of affidavits. It would not be proper for this Court to assess the worth of the allegations and the counter-allegations of the parties under Article 226 of the Constitution of India at the first instance when representations made by the petitioners before the relevant authorities are yet to be considered and disposed of.

Since, the petitioners have already made a

representation before the Respondent No. 2 i.e. the District Magistrate, Regional Transport Authority, Hooghly on May 8, 2025, the said District Magistrate, Regional Transport Authority, Hooghly is requested to consider and dispose of the petitioners' representation dated May 8, 2025 by passing a reasoned order, strictly in accordance with law, within a period of four weeks from the date of communication of this order upon affording an opportunity of hearing to the petitioners as well as the respondent nos.6 and 7.

It is needles to mention that the said District Magistrate shall communicate the reasoned order passed within the aforesaid time frame to the petitioners within a week from the date of passing thereof.

It is made clear that this Court has not gone into the merits of the case and that since affidavits have not been directed to be exchanged, the allegations made in the writ petition will be deemed not to have been admitted by the Respondents.

With the above observations, WPA 12776 of 2025 stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)