

12.09.2025
Court No.13
Item No.3
sp

**MAT 930 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025**

**Smt. Mamata Maity
Vs.
Sri Alope Tiwari and Ors.**

Mr. Sakti Pada Jana.

... For the Appellant.

Mr. Amal Kumar Sen,
Ms. Priya Ghosal.

... For the State.

Mr. Sanat Kumar Roy,
Mr. Bhaskar Nandi.

... For the respondent no. 1.

1. The appellant is aggrieved by an order dated 1st May, 2025 passed by a Single Bench of this Court in WPA 29736 of 2024.

2. The writ petition was filed by one Alope Tiwari who was holding State Carriage Permit to ply a vehicle from Garbeta in Paschim Medinipur to Haldia in Purba Medinipur. The journey from Garbeta to Haldia takes about 6 hours. He was aggrieved initially by a Stage Carriage Permit granted to the appellant Mamata Maity. She was enjoying a State Carriage Permit issued by the RTA, Purba Medinipur with the consent of the RTA, Bankura and RTA, Paschim Medinipur, between Hijli Sarif

(near Kharagpur) to Bankura G. Nagar Bus Stand and back.

3. In the earlier round of litigation a writ petition being WPA 14957 of 2024 filed by Alope Tiwari. The grievance was that the buses of the appellant and the writ petitioner/respondent arrived and left nearly at the same time to reach Mecheda Station. This would deprive both the parties of sufficient number of passengers. A Single Bench of this Court directed vided order dated 28th June, 2024 directed that the grievance of Alope Tiwari must be considered by the RTA. Based on the directions dated 28th June, 2024, the RTA by order dated 18th July, 2024 altered the timing of departure of the appellant's bus from Ghatal from 8.50 a.m. to 9 o' clock. The appellant was, however, also permitted by the RTA Purba Medinipur to make a night halt at either of the two places, i.e., Hijli Sarif or Bankura G. Nagar.

4. Armed with the decision of a Special Bench of this Court in Prabhat Pan and others Vs. The State of West Bengal and others rendered on 25th February, 2025 which entitled any person to challenge a perceived illegality in State action irrespective of whether he is aggrieved by the same or not, the decision of the RTA dated 18th July, 2024 (supra) was challenged by Alope Tiwari in the writ petition impugned. He is aggrieved that the option granted to the appellant to night halt either at Hijli Sarif or Bankura G.

Nagar Bus Stand is ex facie illegal and contrary to Sections 70 and 72 of the West Bengal Motor Vehicles Act, 1988. He further alleged that there is gross mismatch between the timetable granted to the appellant and the State Carriage Permit given to him, i.e., between Hijli Sarif and Bankura G. Nagar Bus Stand.

5. The learned Single Bench found favour that the respondent/writ petitioner and allowed the writ petition. The order of the RTA dated 18th July, 2024 was set aside and the matter was remanded back to the RTA for consideration afresh.

6. Mr. Sakti Pada Jana, learned counsel for the appellant would argue by reference to Sub-Section 38 of Section 2 of the Motor Vehicles Act, 1988 that the definition of route essentially meant a right to ply a vehicle from one point to another and back. The appellant having granted a State Carriage Permit between Hijli Sarif and Bankura G. Nagar Bus Stand was, therefore, entitled to halt in the night at any of the two points of origin or destination.

7. He further submits that the timetable for the upward journey from Bankura G. Nagar to Hijli Sarif downward journey from Hijli Sarif to Bankura G. Nagar cannot be questioned in the context of the definition of route under Sub-Section 38 of Section 2 of the West

Bengal Motor Vehicles Act, 1988 and Rules 118 and 119 of the West Bengal Motor Vehicles Rules, 1989.

8. This Court is unable to agree with the submission of Mr. Jana. A right to halt in the night at any of the two points, i.e., a starting or destination would arise only if the journey, consumes a major part of the day, i.e., the starting point being in the morning and the destination point being later in the evening.

9. In the instant case, it is seen that the journey between Hijli Sarif and Bankura G. Nagar Bus Stand takes about 6 hours and the return commences within half an hour thereafter to come back to the point of origin on the same day. The upward and downward journey are, therefore, completed within 24 hours. The question of the appellant having a right of night halt at both points, i.e., origin and destination, therefore, cannot and does not arise. In fact, the route for which the State Carriage Permit was obtained by Mr. Jana's client was from Hijli Sarif to Bankura G. Nagar Bus Stand and back. This would imply that the RTA authorities require the permit holder/appellant to bring his vehicle back to the point of origin, i.e., Hijli Sarif on the same day in the evening.

10. This Court further notices that the timetable granted to the appellant by the RTA, Purba Medinipur is equally faulty. When the State Carriage Rout Permit specifies Hijli Sarif to Bankura G. Nagar Bus Stand and

back, the upward journey should have commenced from Hijli Sarif and not from Bankura G. Nagar.

11. The arguments advanced by the appellant could leave a choice to the appellant not to ply a vehicle on either the onward or return journey thereby violating the terms and conditions of the permit and consequently causing inconvenience to passengers and also interfere with the volume of business of other operators, having overlapping permits.

12. Having regard to the above, this Court is of the view that the impugned order setting aside the order of the RTA, Purba Medinipur dated 18th July, 2024 calls for no interference.

13. The RTA, Purba Medinipur shall take note of the above observations and comply with the directions of the Single Bench as expeditiously as possible.

14. Hence, MAT 930 of 2025 shall stand dismissed.

15. Consequently, CAN 1 of 2025 and CAN 2 of 2025 shall also stand dismissed.

16. There shall be no order as to costs.

17. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)