

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

16 03.11.2025
Sc Ct. no.10

WPA 14178 OF 2025

Lakshmi Devi

VS.

State of West Bengal & Ors.

For the Petitioner : Mr. Dilip Kumar Samanta
Mr. Biswapriya Samanta
Mr. Suhatro Palit
Mr. Akash Kumar Chakrabarty.

For the Respondents/State:

Mr. Anand Farmania
Ms. Jayeta Mitra.

1. Heard the parties through their respective counsels.
2. On 20.9.2018 the State Transport Authority, Bihar issued Permanent Stage Carriage permit in favour of the petitioner on the route between Purnea to Raiganj via Dalkola and the same was renewed for the period with effect from 17.9.2023 to 16.9.2028.
3. On 19.9.2023 the respondent no.2 countersigned the said permit of the petitioner with the approval of the timetable valid for the period up to 16.9.2028 endorsing vehicle no.BR 11PA 6276 : WB59R23080002922 for operation of the same according to the approved timetable.
4. The petitioner further submits that the respondent no.4 has been causing disturbances to the operation of the vehicle of the petitioner.

5. On 23.12.2024 the respondent no.4 sought for a clarification from the respondent no.3 with regard to timetable, issued in respect of the buses bearing Registration No.BR11PB6739, BR11PA6276 and BR11PC9975 respectively.

6. The petitioner submits that the respondent no.4 is not the appropriate authority for questioning about the approved timetable.

7. The State respondents files a report in the form of an affidavit pursuant to the order dated 14.7.2025.

8. The respondent State authorities submits that the petitioner is plying vehicles in violation of the approved timetable.

9. The State respondents further submits that the petitioner has been illegally and wrongfully operating the service by making Raiganj the originating point. The vehicle commences its daily service from Raiganj in the early morning and returned to Raiganj unauthorisedly which is entirely contrary to the authorized flow of service and thus altering the fundamental character of the service for which the permit was granted.

10. After hearing the rival contentions of the parties and perusing the materials available on record I direct the respondent no.3 with the assistance of the respondent no.4 to consider the communication dated 23.12.2024 by making an independent inquiry to arrive at a logical conclusion whether at all there is any deviation as per the approved timetable committed by

the petitioner in plying the vehicle in the route in question.

11. The entire exercise shall be completed within a period of fortnight.

12. It is made clear that the respondents State authorities in the meantime shall pass a reasoned order in accordance with law upon affording an opportunity of hearing to all the interested parties and thereafter communicate the said order accordingly.

13. However, it is made clear that in course of hearing if it is found that there is no deviation by the petitioner and is plying the vehicle as per approved timetable, the State authorities shall allow the petitioner to ply in the route in question. It is also directed that if it is found that the petitioner has acted contrary to the approved timetable then the State authorities shall take appropriate steps forthwith.

14. With the above observations and directions, the writ petition stands disposed of without expressing any opinion on the merits of the case.

15. There will be no order as to costs.

16. Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Smita Das De, J.)