

Item No.- 28
18.07.2025
Court No. 551
Rohan

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 15891 of 2025

**Tapan Biswas & Ors.
Versus
The State of West Bengal & Ors.**

Mr. N.I. Khan,
Mr. Amlan Kr. Mukherjee,
Mr. Dilip Kr. Mandal.

... for the Petitioner

Mr. Pantu Deb Roy, Ld. AGP.

... for the State

1. Affidavit of service filed by the learned advocate for the petitioners be taken on record.
2. The petitioners are permit holders in respect of auto-rickshaws that are plied on the Kalyani P.S. to Chakdaha P.S. route. They complain of cramming of the Kalyani P.S. to Chakdaha P.S. route by numerous auto-rickshaws being plying on the said route despite the same holding permits in respect of different routes.
3. Mr. Khan, learned advocate appearing for the petitioners submits that several auto-rickshaws which have permits in respect of different routes are being plied on the Kalyani P.S. to Chakdaha P.S. route, thereby, creating difficulty for the commuters and

other vehicle owners who have permits for plying vehicles on the said route.

4. It is submitted that the petitioners have made a representation before the District Magistrate, Nadia (Chairman, Regional Transport Authority, Nadia) in such regard but no step has been taken to redress the petitioners' grievances.
5. Mr. Khan also draws the attention of this Court to a notification dated 29th January, 2010 issued by the Additional Chief Secretary to the Government of West Bengal whereby it has been directed that grant of permits in respect of three-wheeled auto-rickshaws within a particular district should be considered by the concerned Regional Transport Authority of the district only after taking into consideration the road condition, congestion of road traffic and safety and security of the passengers travelling in such three-wheeled auto-rickshaws within the ambit and scope of the Motor Vehicles Act, 1988.
6. It is submitted that the representation made by the petitioners is in line with the aforesaid notification dated 29th January, 2010 and that the respondent authority ought to have taken appropriate steps to ensure compliance with the terms of the said notification which is being breached with impunity.

7. Mr. Deb Roy, learned advocate appearing for the State respondents submits that the writ petitioners have no *locus standi* to move the instant writ petition in as much as they are existing operators on the same route.
8. Having heard the learned advocates appearing for the respective parties and having considered the material on record, this Court is of the view that the respondent No. 2, i.e., the Regional Transport Authority, Nadia must consider and dispose of the petitioners' representation dated April 3, 2025 inasmuch as the same pertains to the violation of the notification which was issued with the objective of ensuring efficient transport system and comfort of commuters.
9. As regards the point of *locus standi* of the writ petitioners as raised by the State respondent, this Court is of the view that since the matter concerns congestion or blockade of road owing to illegal plying of vehicles due to alleged inaction or lack of proper action on the part of the respondent Transport Authorities, the writ petition should be entertained.
10. In such view of the matter, the writ petition is entertained and the respondent No. 2, i.e., the Regional Transport Authority, Nadia is directed to consider the petitioners' representation dated April 3, 2025 (Annexure 'P5' at page 39 of the writ petition) and dispose of the same, within a period of three months

from the date of communication of this order, strictly in accordance with law, upon giving an opportunity of hearing to all concerned including the writ petitioners.

11. Needless to mention that the respondent No. 2 shall pass a reasoned order within the period aforesaid and communicate the same to the parties within a week from the date of passing thereof.

12. It is clarified that this Court has not gone into the merits of the case and all points are left open to be decided by the respondent No. 2 in accordance with law.

13. Since no affidavit-in-opposition has been invited, allegations made in the writ petition should be deemed not to have been admitted by the respondents.

14. **WPA 15891 of 2025** stands **disposed of** with the aforesaid observations.

15. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Om Narayan Rai, J.)