

11.11.2025

Ct. no.10

Sl. 21

b.r.

WPA 17149 of 2025

Rabindra Nath Saha

Vs.

The State of West Bengal & Ors.

Mr. N.I.Khan

Mr. Amlan Kumar Mukherjee

.... For the petitioner

Mr. Amit Gupta

Mr. Sayan Dutta

..... for the State.

Affidavit of service filed in Court, is taken on record.

Heard the parties through their learned counsels.

Apropos the fact of the case, the petitioner had earlier approached this Hon'ble Court twice for grant of stage carriage permit in respect of Mini Bus in the route Prantika to Durgapur Railway Station via Bhiringhi Kalibari More in accordance with the provision laid down under Sections 66,69,70 and 80 of the Motor Vehicles Act, 1988 (herein after referred as the said Act). In compliance of the earlier orders passed by the Co-ordinate Bench of this Hon'ble Court, the authority concerned had already considered the application of the

writ petitioner and passed an order of rejection to grant permit on the ground of congestion.

The petitioner submits that rejecting the grant of stage carriage permits on the ground that the existing fleet strength of the route in question is adequate to cater the commuters therefore there is no necessity of granting further permits which runs contrary to the provision as contemplated under Section 80 of the said Act.

The petitioner submits that though the existing operators are still allowed to ply on the same route in question ought to have considered the applications instead of rejecting the same arbitrarily solely on the ground of congestion.

The learned counsel of the respondents submits that since there is a high concentration of the said route and adequate bus services are already available for public transport on the stretch from Prantika to Bhiringi More, therefore, considering the high concentration of public transport on the said route, the application of the petitioner could not be considered.

It is submitted that already 60 buses approximately are plying in the route at a frequency of one per every three minutes and there is a high concentration of public transport on the said route.

It was further submitted that the stretch from Prantika to Bhiringi More lies high density commercial zone with frequent traffic congestion, therefore, introducing additional mini bus on this route shall likely to worsen the situation instead of enhancing public convenience.

The respondent further submits that as per Section 71(3(a) of the said Act the State Government by way of a notification can notify the number of stage carriages for operating in city routes in terms with a population of not less than 5 lac.

The respondent further submits that till date no such notification has come into effect for limiting the number of stage carriages on city routes.

After hearing the rival contentions of the parties and perusing the materials available on record, I am of the considered view that merely rejecting the application by not granting any

permit on the ground of the congestion needs to be resolved forthwith. Unless a notification as per Section 71(3)(a) of the said Act, is brought into effect, the issue will remain unresolved. I direct the District Magistrate, Chairman, Regional Transport Authority with the assistance of the Secretary, RTA-Respondent no.4 to revisit the issue of the petitioner by considering his application dated 1st February, 2024, annexure p-1 at page-26 to the writ petition within a period of sixty days to arrive at a logical conclusion by passing a reasoned order in accordance with law upon affording an opportunity of hearing to all the interested parties and shall communicate such decision within a period of two weeks thereafter.

This writ petition is disposed of without going into the merits of the case.

However, it is made clear that the District Magistrate being the high level authority shall take up the issue with the Government for issuance of the notification under Section 71(3)(a) of the Motor Vehicles Act, 1988 as expeditiously as possible otherwise such

impasse will remain to be a perennial issue, causing public inconvenience.

With the above observations and directions, the writ petition, **WPA 17149 of 2025** stands ***disposed of***.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)