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01.10.2024
Court No. 25
D.Hira

WPA 19287 of 2024

**Ankur Saha
Vs.
State of West Bengal & Ors.**

**Mr. Dilip Kumar Samanta,
Ms. Biswapriya Samanta.
... for the petitioner**

Affidavit of service filed by the petitioner is taken on record.

None appears for the respondent.

The petitioner is aggrieved that by citing the notification dated June 6, 2014, the respondent /RTA has unauthorizedly and illegally restrained plying of the vehicle of the petitioner, within the Burdwan Town, whereas the petitioner may fall within the exception clauses as specified.

Mr. Dilip Kumar Samanta, learned counsel appearing for the petitioner has indicated that previously in other various writ petitions, similar points as regards the imposition of restriction by the respondent/RTA, in terms of the notification as above, have been challenged. He also submits that in all those matters dealt with by the Court earlier, there have been directions by the Court allowing the petitioners to ply the vehicle in the usual route, and also renewal of their permit, during the period of pendency of their respective matters, before this Court.

Mr. Samanta seeks similar order for the present petitioner, he being similarly circumstanced, with the petitioners, in the other matters as stated.

In similar kind of cases, this Court has earlier passed interim order directing the respondent authorities to allow the petitioner to ply the vehicle in the route as before, till disposal of the writ petition. Also, not to unsettle the settled position, the Court had directed for renewal of permit in the interregnum, in order to enable the petitioner to ply his vehicle in the said route, during pendency of the cases, as referred to.

Similar proposition is applicable in the case of the present petitioner too. Therefore this Court directs as follows:-

Let affidavit-in-opposition be filed in this case, by the respondent within a period of two weeks from date; affidavit-in-reply, thereto, if any, be filed within one week thereafter.

Considering as above, this Court is inclined to pass an interim order, directing the respondent authority to immediately take steps for renewal of permit of the writ petitioner, subject to result of this writ petition and after compliance of all the necessary formalities within two weeks from the date of communication of copy of this order.

Interim order earlier granted, be extended till that time.

Let the matter be adjourned till 18th November, 2024.

(Rai Chattopadhyay, J.)