

D/L 12
10.09.2025
Rohit
ct.no.12

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

FMA 3547 of 2014

**Ram Ashre Harijan
Versus
The State of West Bengal & Ors**

Mr. Dilip Kumar Samanta
Mr. Biswapriya Samanta
Mr. Subotro Palit
Mr. Akash Kumar Chakraborty
Ms. Riya Saha

...for the Appellant

Mr. Amal Kr. Sen, Ld. A.A.G
Ms. Ashima Das (Sil)

...for the State

1. Heard the learned Counsel for the appellant as well as the learned State Counsel appearing on behalf of the respondents.
2. The appellant made an application for grant of permanent contract carriage permit. However, the same was refused by a communication dated 30.09.2005 on the ground that by a Notification no. 3438 WT/3M-139/2004 dtd. 02/08/2004 restriction has been imposed that no permit shall be issued for Auto Rickshaw operating from Kolkata Metropolitan area.

3. Being aggrieved the petitioner filed WPA 23120(W) of 2007 which was disposed of on 13.05.2014 whereby the said writ petition was dismissed. Hence, the present appeal.
4. During the course of hearing of this appeal learned State Counsel has produced a Notification No. 5671/3M-01/2010 Pt.II dated 10th December, 2018 which was gazetted in The Kolkata Gazette on 26th December, 2018. The said notification dated 10.12.2018 is reproduced herein below:

“Government of West Bengal

Transport Department

Notification

No. 5671/3M-01/2010 Pt.II- 10th December, 2018. In partial modification of the Notification No. 3438-WT/3M-139/2004 dated 2nd August, 2004 issued by The Transport Department, Government of West Bengal, the Governor is hereby pleased to direct that the paragraph (4) in the direction to the State Transport Authority, West Bengal and all the Regional Transport Authorities, the following words “4 No new permit shall be issued for auto-rickshaw operating within Kolkata Metropolitan area” shall be omitted.

This order shall take immediate effect.

Order

*Ordered that the notification be published
in The Official Gazette.*

*By order of the Governor,
B.P. Gopalika,
Principal Secy. to the Govt. of
West Bengal.”*

5. Considering the Notification dated 10.12.2018 that at present there is no restriction for issuance of permit for Auto Rickshaw operating within Kolkata Metropolitan area, the appellant is given the liberty to make a fresh application before the concerned authorities for grant of contract carriage permit (Auto Rickshaw).
6. In the event the appellant makes an application as directed hereinabove, the concerned authorities shall consider and dispose of the same within a period of three months from the date of the receipt of the application.
7. With the above observation FMA 3547 of 2014 stands disposed of.
8. No order as to costs.
9. All parties shall act on the Server Copy of this order duly downloaded from the *Official Website* of this Court.

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

(Lanusungkum Jamir, J.)

(Rai Chattopadhyay, J.)