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AKG
Ct. 15

WPA 21322 of 2025

**Kusumgram Bus Malik Welfare Samity
Vs.
State of West Bengal & Ors.**

Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta

...for the Petitioner

Mr. Pantu Deb Roy,
Mr. Jaladhi Das

...for the State

Mr. Sanat Kr. Roy

...for Respondent Nos. 6 to 9

The impugned minutes of the meeting, appearing at page 51 of the writ petition, were issued by the Additional District Magistrate (Motor Vehicles), Purba Bardhaman. The said minutes purport to resolve a dispute concerning the timetable on the Memari–Maldanga route by constituting a committee. The relevant portion of the minutes is quoted below:

“The Burdwan District Bus Association (BDBA) was called upon for its input, as it is the mother association overseeing all affiliated groups. It was suggested that a committee be formed to resolved this issue and the committee will be supervised and guided by the Burdwan District Bus Association (BDBA), which will serve as the coordinating body for the entire process.

It is also decided that each association will nominate two members of their association and names of which will have to be submitted before the Regional Transport Officer through BDBA.

The meeting concluded with an agreement to resolve the issue through cooperative efforts and a structured timetable system. Additional District Magistrate (MV) thanked all participants for their cooperation and reaffirmed the resolve of the District Administration to ensure the effective resolution of the issue.”

Learned counsel appearing for the petitioner, as well as learned counsel appearing for respondent nos. 6 to 9, have challenged the resolution on the ground that the Additional District Magistrate ought not to have delegated the authority to resolve the dispute to the Burdwan District Bus Association.

In support of this contention, reliance has been placed on the judgment reported at **AIR 1993 Kerala 313 (K. K. Krishnan Nair vs. Scrutiny Committee, Secretary, Regional Transport Authority, Malappuram)**.

The State, on the other hand, seeks to justify the resolution by contending that it was issued by the Additional District Magistrate (Motor Vehicles), who, it is argued, qualifies as a “District Magistrate” within the meaning of Rule 2(e) of the West Bengal Motor Vehicles Rules, 1989.

However, a perusal of the impugned resolution dated August 18, 2025, indicates that the Additional District Magistrate chose not to adjudicate the dispute herself.

Instead, she constituted a committee comprising members as mentioned above to resolve the matter.

In my considered view, the power conferred under the Motor Vehicles Act, 1988, or the rules framed thereunder, cannot be delegated to a private association such as the Burdwan District Bus Association. The committee thus lacked the authority to adjudicate the said dispute.

Accordingly, the resolution dated August 18, 2025, issued by the Additional District Magistrate (MV), Purba Bardhaman, is hereby set aside.

To prevent further confusion and procedural irregularities, this Court directs the Regional Transport Authority Board, Purba Bardhaman, to adjudicate the underlying dispute in accordance with law, after affording an opportunity of hearing to all concerned stakeholders.

Such exercise shall be completed within a period of eight (8) weeks from the date of communication of this order.

With the aforesaid directions, **WPA 21322 of 2025** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)

