

12-12-2025
ct no. 10
Sl.30
RP

WPA 22553 of 2025

Somen Chakraborty & Ors.

-Versus-

State of West Bengal & Ors.

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

...for the petitioner

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas,

..for the State

Mr. Bhaskar Nandi

...for the added respondent

1. The petitioner are the stage carriage permit holders in route no. 71, 28 and 24B respectively which were granted pursuant to the issuance of a Government Notification dated 20.05.2003. Thereafter, by a Judgment of the Division Bench of this Court in G.A. 568 of 2002/APOT No. 83 of 2002 the State Government was directed to constitute a committee for recommendations for control of traffic congestion and vehicular pollution to the Government who shall act in terms of the said recommendations.
2. Pursuant to the order of the Division Bench of this Court a Committee was formed in

July 2003 and subsequently on 2nd January, 2004 the policy was framed. The policy of 2004 is reproduced below:

“1. No new bus route be formulated and permits are issued which may pass through the Central Business District viz, Esplanade and Band Stand in Kolkata and Howrah Station and approach areas of Howrah Bridge (Rabindra Setu) till further order.

2.No new permit for Stage Carriage shall be issued which may originate/terminate in Esplande and Bank Stand in Kolkata and Howrah Station.

3.No new bus route shall also be created/formulated in Kolkata and Howrah without creating any appropriate parking place having requisite amenities for both the passengers as well as the transport worker.

4.No now permit shall be issued for autorickshaw opening within Kolkata Metropolitan area.”

3. Main grievance of the petitioner is that a subsequent notification dated 12.06.2025 was brought into effect in contravention to the policy laid down on 6th August, 2004.

4. It is further submitted that in the earlier notification, the route No. 9 was from Ramrajatala to Rajabazar and back having a fleet strength of 12 for grant of permit to the mini bus (special stage carriages). Subsequently, the earlier notification dated 02.08.2024 has been varied and modified by introducing a further notification dated 12.06.2025 increasing the strength from 12 to 15 by changing the route 9 to HB9.

5. The main contention of the of the petitioner is that the said notification dated 12.06.2025 is in flagrant violation of the direction given by the Division Bench of

this Hon'ble Court (Sujata Ganguly & Ors. vs. State of West Bengal & Ors.) restricting thereby the grant of permit being beyond the scope and ambit of the notification dated 02.08.2024 which is reproduced below:

“5.1. The State Transport Authority and Regional Transport Authority of Kolkata and Howrah may issues stage carriage permits against offer letters already issued by the concerned authorities prior to the issue of the Notification No0. 3438-WT/BM-139/2004 dated 2nd August, 2004 subject however, to the notification dated 20th May, 2003 issued under Section 71(3)(a) of the Motor Vehicles Act, 1988. No offer letter or permit shall be issued in violation of the policy decision notified on 6th August, 2004. In the cases where offer letter have been issued after 6th august, 2004 which violates the policy decision dated 6th August, 2004, no permit shall be granted in respect of such offer letters so issued.”

6. The petitioners have been heard in extenso.
7. Let the matter be fixed for further hearing for the State respondents and the private respondents to make appropriate submissions on the next returnable date.
8. Matter to appear on 16.12.2025 at 2:00 p.m..

(Smita Das De, J.)