

WPA 23898 of 2023

Arun Sharma & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee,

Mr. Niraj Gupta.

... for the petitioners

Mr. Pantu Deb Roy, ld. A.G.P.,

Mr. Subrata Guha Biswas.

... for the State

1. The petitioners are aggrieved that in spite of his applying for change of route and regularization of their permit as against Route No. AR-8, in terms of the notice issued by the Secretary, RTA, Kolkata dated May 29, 2023, the same has not been considered by the respective authority.
2. Fact remains that a notification was published on March 21, 2023 directing for regularization of permit of the auto rickshaws plying unauthorizedly on various routes.
3. So far as the Route No. AR-8 is concerned, in the said notification dated March 21, 2023, fifty vacancies were declared.
4. A notice was published by the Secretary, RTA, Kolkata Region dated May 29, 2023, calling upon the three categories of operators, to file applications within the cut-off date, that is, September 20, 2023, to make their permit regularized.
5. The petitioners fall within the second category as mentioned therein, that is, ***“Registered autos having permit but physically plying on road in***

different routes since 31.03.2019 to 31.03.2022.”

6. Mr. Sankar Nath Mukherjee, learned counsel appearing for the petitioners submits that the petitioners though having been granted permit to ply auto rickshaws in a different route has been operating on Route No. AR-8 and thus, has requested by filing their online application dated August 19, 2023, to regularize their permit as against Route No. AR8.
7. He submits that the online application and the online fees have been duly received by the RTO, Howrah.
8. Mr. Mukherjee, learned counsel for the petitioners has also pointed out to a written representation of the petitioners dated August 24, 2023 written to the Secretary, RTA, Kolkata Region, requesting for regularization of their permit as per policy decision taken vide notification dated March 21, 2023.
9. He would further refer to a document which is a reply by the RTA, Howrah to the RTI application of the petitioners, that is, dated August 10, 2023.
10. He submits that in accordance with the same, on August 10, 2023 the number of permits issued on the said route AR-8 is 22.
11. Therefore, in accordance with the petitioners, in spite of these remaining vacancies, their applications as above have not been duly considered by the said respondent authority, for reasons unknown.
12. Mr. Mukherjee, would rely on a documents enclosed in the supplementary affidavit filed by the petitioners to submit that surprisingly, the RTA, Howrah has

acted in contravention of the notice dated May 29, 2023, thereby accepting application for regularization of permit beyond the cut-off date, that is, September 20, 2023 and allowing offer letter to such an incumbent.

- 13.** He would refer to an offer letter which mentions that as per application dated March 15, 2024 and the decision of a meeting held on the self-same date, the offer letter is being granted to some other operators.
- 14.** Mr. Pantu Deb Roy, learned Additional Government Pleader is representing the State. He would rely on the report submitted by the said respondent to say that all the fifty vacancies in the route have already been filled up.
- 15.** He would further say that the representation of the petitioners has been submitted before the RTA, Kolkata Region, whereas the concerned appropriate respondent would have been the RTA, Howrah.
- 16.** Heard the submissions and perused the records. It appears from the notification dated March 21, 2023 that as regards the Route No. AR-8, fifty vacancies have been declared.
- 17.** Later on, May 29, 2023 an application has been invited vide a notice as to the registered auto rickshaws possessing permit for a particular route, but physically plying on a different route, during as specified period, along with other category of operators, for the purpose of regularization of their permit as to the route on which they are plying.
- 18.** The last date of submission of such applications was stipulated on September 20, 2023. After issuance of

such notice in the month of May, 2023, in the month of August, 2023 as regards the said route, and in response to an application under the RTI Act, the RTA, Howrah has declared that twenty two vacancies have been filled up.

- 19.** In the report the respondent State has not denied receipt of the online application of the petitioners dated August 19, 2023.
- 20.** As a matter of fact, the said application and the online fees have been submitted by the petitioners within the time stipulated that is, within the cut-off date for filing such application, that is, September 20, 2023.
- 21.** There is no elaboration in the report filed by the State respondent, as to the fate of the application of the petitioners as above, in response to the notification and the notice as mentioned above.
- 22.** In such view of the fact, the report submitted on behalf of the respondent RTA, Howrah that fifty vacancies in the said route have already been filled up, appears to bear discrepancy as against the reply submitted by it and in response to the application of the petitioners under the RTI Act.
- 23.** It is also worth-mentioning that the documents annexed by the petitioners in the supplementary affidavit that the offer letter granted to a person who applied beyond the cut-off date as against the notice dated May 29, 2023, would render the entire process of grant of such offer letter as illegal.
- 24.** Be that as it may, since it is affirmed by the RTA, Howrah that on August 10, 2023, the number of

vacancies have been filled up as against the Route No. AR-8 has been 22 and no clarification has been rendered as to the fate of the application of the petitioners dated August 19, 2023, the said respondent is directed to immediately take up the said application and allow the same as against the exiting vacancies on the route, unless the same is otherwise barred in the eye of law. Otherwise, a reasoned order should be passed.

- 25.** In doing so, the said respondent RTA, Howrah shall afford opportunity of hearing to the petitioners, if so necessary and pass its order within a period of six weeks from the date of communication of copy of this order.
- 26.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 27.** With the above observations and directions, the writ petition being WPA 23898 of 2023 is disposed of, along with the pending applications, if any.
- 28.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)