

02.01.2025
Item No.14
gd/ssd

WPA(P)/431/2024
BUBUN RAY AND ORS.
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. N.I. Khan,
Mr. Amlan Kumar Mukherjee,
Mr. Dilip Kr. Mandal
..for the Petitioners.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay
..for the State.

1. By this public interest writ petition the petitioners flag a very important issue with regard to the grant of auto-rickshaw permits.

2. As could be seen from the notification issued by the Government of West Bengal dated 29th January, 2010, there is a specific condition as to the manner in which the authorities will have to take a decision before grant of 3-wheeled auto-rickshaw permits. For better appreciation, the said condition is quoted hereinbelow:

“Grant of 3-wheeled auto-rickshaw permit within a particular district only may, however, be considered by the concerned RTA of the district after taking into consideration the road condition, congestion of road traffic and safety and security of the passengers travelling in such 3-wheeled auto-rickshaw as aforesaid, within the ambit and scope of the Motor Vehicles Act, 1988 and rules framed thereunder.

The Government in the Transport Department shall only be competent to grant any relaxation in the matter.”

3. The petitioners allege that the exercise that is required to be done in terms of the above clause 6 of the Notification dated 29th January, 2010 is being flouted and indiscriminately all the 3-wheeled auto-rickshaw permits have been granted.

4. The petitioners would state that on account of indiscriminate grant of permits all the auto-rickshaws have been compelled to park on the roadside thereby reducing the width of the road and also resulting in accidents.

5. In this regard, the petitioners have submitted a representation to the authorities on 3rd September, 2024 and since their representation has not been considered, the petitioners have approached this court.

6. The learned advocate for the petitioners placed reliance on an order passed by this court in WPA(P) 572 of 2023 wherein directions were issued to the authorities to conduct surprise inspection of the areas in question, to ascertain as to whether auto-rickshaws are plying without permits etc.

7. In the light of the above, we direct the 3rd respondent to consider the petitioners' representation dated 3rd September, 2024 and direct his officers to conduct an inspection and take note of clause 6 of the Notification dated 29th January, 2010 and pass appropriate orders on merits and in accordance with law.

8. This direction be complied with within a period of six weeks from the date of receipt of the server copy of this order.

9. The petitioners are directed to appear in the office of the 3rd respondent, hand over copies of the representation along with copy of this order to enable the 3rd respondent to comply with the above direction.

10. Accordingly, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)