

18.12.2025

Item No.18

Crt.No.10

A.B.

WPA 26946 of 2025

**Chandan Kumar Sarkar & Anr.
VS.
The State of West Bengal & Ors.**

Mr. Sankar Nath Mukherjee (VC)

Sk. Samim Akther

Ms. Manisha Paswan

.... For the petitioners.

Mr. Pantu Deb Roy, Ld. AGP

Mr. Dipankar Ghosh

.... For the State.

Mr. Bhaskar Nandi

.... For the Res.no.8.

1. Affidavit of service filed in Court today is taken on record.
2. Heard the parties through their respective learned counsels.
3. The petitioner no. 1 is holder of a permit bearing no. P.St.P 09/2002(I/R)/2/2 issued by State Transport Authority West Bengal in route Calcutta to Siliguri and the petitioner no. 2 is holder of a permit bearing no. P.St.P 07/1985(I/R)2/2 in route Kolkata CBT to Siliguri.
4. The petitioners prays, inter alia, for the following reliefs:

“(A) A writ of and in the nature of Mandamus commanding the respondents, their men, agents, servants sub-ordinates or each one of them to decide the objection made

on 31.07.2025 after taking investigation reports from PVD Kolkata, forthwith.

- (B) A writ of and in the nature of Mandamus directing the respondents their men, agents, servants, subordinates associates or each one of them to pass a reasoned order in objection dated 31.07.2025 after hearing all the necessary parties in compliance of statutory provisions and reciprocal transport agreement.
- (C) A writ of or in the nature of Certiorari calling upon the respondents their men, agents, servants associates subordinates to produce the entire records pertaining to this case so that the conscionable justice may be administered.
- (D) In terms of prayer (A), (B) and (C) above.
- (E) Interim order directing the respondents not to allow the plying of vehicles mentioned in paragraph 8 in petition and stop respondent no. 8 to self curtail the route until and unless the writ is disposed of.
- (F) Ad-interim order in terms of prayer (E) above.

(G) Rule may be made absolute if the respondents failed to show any sufficient cause.

(H) And to pass such other or further order or orders direction or directions as your Lordship may deem fit and proper.”

5. Main grievance of the petitioners in the instant case is that some vehicles under level of “M/S. Raipur Cruiser” used vehicles from heart of the city Kolkata in violation of order of Sujata Ganguly Case as well as present Public Interest Matter Kakali Dutta Vs- State of West Bengal Case.

6. The petitioners have already raised an objection before the concerned authority on 31.7.2025 but the same remained pending for consideration.

7. The petitioners submits that those buses are plying under the banner of “M/s Raipur Cruiser” using vehicles in between Esplanade to Siliguri or Esplanade to Digha or Puri or other destination in State or Inter State Routes and the following buses are plying from Esplanade with combination of above two permits are as follows:

(i) WB19Q-9626, WB19R-6061, WB19R-1516, WB19D-9896 and WB19Q-9392 are Volvo

Buses, obtained permit for All India Tourist service but using vehicles as Stage Carriage permit holders from Esplanade. It is started to Book and ply and regulate under banner of M/S. Raipur Cruiser their registered address is :- Raipur House, Ground Floor, 25A Shyamananda Road, Bhabanipur , Kolkata – 700 025.

8. The petitioners further states that granting of such permits in favour of the private operator de hors the gazetted notification dated 06.8.2004 which is reproduced below:

1. No new bus route be formulated and permits be 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 orders;
2. No new permit for Stage Carriage shall be issued which may originate/terminate in Esplanade and Band 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 workers;

4. No new permit shall be issued for autorickshaw operating within Kolkata Metropolitan area.

9. The private respondent vehemently opposes and submits that only a tourist permit has been granted in favour of the private respondent. The same is not in violation of conditions laid down in the gazette notification.
10. The State-respondents fairly submits that since an objection has been raised by the petitioners the same can be considered by the authority concerned.
11. After careful consideration of the parties I am of the considered view that the respondent no. 4 is the competent authority to decided the objection raised by the petitioners and such decision be considered in the light of the Gazetted notification dated 06.8.2004 within a period of six weeks and pass a reasoned order in accordance with law upon giving an opportunity of hearing to the petitioners and

the interested parties, if any, including the private respondents. The petitioners are directed to produce relevant documents at the time of hearing. The reasoned decision shall be communicated to the parties within a week thereafter.

12. With the above observations and directions, the writ petition stands disposed of without expressing any opinion on the merits of the case.
13. There will be no order as to costs.
14. Parties shall act on the server copy of this order duly downloaded from the official website of this Court.
15. From the records it reveals that the entire court fees have not been deposited. The petitioners submit that they shall be deposited by 19.12.2025.
16. This order shall be effected subject to payment of deficit court fees.

(Smita Das De, J.)