

11.03.2025
Court No. 25
S.G. (p.a)

WPA 28407 of 2024

Inzamamul Haqu
-vs-
The State of West Bengal & Ors.

WITH

WPA 28500 of 2024

Ashim Karmakar
-vs-
State of W.B.& Ors.

With

WPA 28553 of 2024

Kashinath Mondal
-vs-
State of West Bengal & Ors.

With

WPA 28557 of 2024

Rash Behari Mondal
-vs-
State of W.B. & Ors.

With

WPA 28560 of 2024

Rash Behari Mondal
-vs-
State of W.B. & Ors

Mr. Shaktipada Jana
....for the petitioner.
Mr.A.K.Sen, Ld. AGP
Ms. Ashima Das (Sil)
...for the State (WPA 28407 of 2024)
Mr.A.K.Sen, Ld. AGP
Mr. Lal Mohan Basu
....for the State. (WPA 28500 of 2024)
Mr. Pantu Deb Roy, Ld. AGP
Mr. S.G.Biswas
...for the State(WPA 28553 of 2024)
Mr. Pantu Deb Roy, Ld. AGP
Mr. Pannalal Bandopadhyay
...for the State (WPA 28557 of 2024)
Mr. Somnath Ganguli, Ld. AGP
Ms. Kalpita Paul
...for the State (WPA 28560 of 2024)
Ms. Aishwarya Rajyashree
...for the STA Jharkhand

- 1) The writ petitions as above are taken up together for adjudication and disposal by dint of this common order.

- 2) The two States, West Bengal and Jharkhand, who are covered by the Reciprocal Transport Agreement dated 29th March, 2004, have not been able to mutually agree as regards the alignment for the route from 'Berhampur to Deoghar', as mentioned in Annexure-A of the said Reciprocal Transport Agreement. Hence, the time table granted to the petitioners by the STA, West Bengal, prescribing a bus stop at the place namely "Basukinath", on the said route and prescribing for the petitioner's vehicles to stop there for 3 minutes on up journey and for 10 minutes on down journey, has not been countersigned by the STA Jharkhand.
- 3) The petitioners are aggrieved for the same and have filed the present writ petitions.
- 4) Mr. Jana for the writ petitioners have contended that the inaction of Jharkhand authorities are only unreasonable and rather unduly motivated. He says that "Basukinath" is a point on the route itself and by halting at "Basukinath", the petitioners would not be violating the permit conditions in any way. Also, that the permit granting authority has allowed the petitioners to halt at "Basukinath", as mentioned in the time table granted by them. Hence, there would not be any just and proper reason for which the reciprocating State may decline to counter sign the same. He says that many other buses on the route have already been permitted to operate touching the "Basukinath" bus stop and restraining the petitioners in any manner, whatsoever would amount to discriminating them from the others similarly placed, they

being the valid permit holders to operate on the said route. Mr. Jana has relied on the instance of the other permit holder, similarly circumstanced with the present petitioners though, having been subjected to differential and favourable treatment, than the present petitioners. He insists that the respondent STA Jharkhand should immediately be directed to take appropriate steps in order to counter sign the permit and timetable of the petitioners.

- 5) A report, in terms of the Court's order, has been submitted today by the STA Jharkhand, which is taken on record. It has been represented by Ms. Aishwarya Rajyashree, learned counsel, who appears on virtual mode. According to the said report and submission of the learned advocate, the STA Jharkhand has acted only in terms of the said Reciprocal Transport Agreement, in order to decline to accept "Basukinath" as a bus stop over the said route. She has stated that the route as per the Reciprocal Transport Agreement dated 29th March, 2004, on which the petitioners operate, is from Berhampore to Deoghar via Nalhati, Rampurhat, Dumka. Hence, since "Basukinath" has not been mentioned in the said agreement as a stop on the route, no approval or permission can be granted to the petitioners to stop over there, or else that would amount to violation of the terms of agreement itself.
- 6) In these matters the State has been represented by Mr. Sen, Mr. Deb Roy and Mr. Ganguli. Mr. Sen would refer to Clause 8(F) of the said agreement, to submit that in case of divergence

of opinion by the two authorities of the respective reciprocating States, the said provision of the agreement may be resorted to by them to come to a just, proper and unanimous decision by mutual discussion and consent.

- 7) Admittedly, the inter-State permit and a time table for the route have been issued to the petitioners by the permit issuing authority STA, West Bengal. The petitioners are scheduled to operate over the said route in terms of the Reciprocal Transport Agreement dated 29th March, 2004, which has provided the route to be “Berhampore to Deoghar via Nalhati, Rampurhat, Dumka.” There are instances when inter-State operators over the said route have been permitted to avail the stop at “Basukinath”, which has been denied in case of the present petitioners. Otherwise, the petitioners are holding valid permit and the said disputed bus stop lies on the route alignment itself and requires no diversion. Hence, allowing the petitioners to stop over the said point, would not amount to violation or infraction of the permit conditions in anyway. It is for the convenience of the business of the respective operators. The interest of the commuters is the paramount consideration for the respective transport authorities, in devising an unanimously acceptable principle for the operators, regarding the manner of operation on the route as per the permit conditions.
- 8) This is possibly the reason as to why the said agreement has bound the reciprocating two States with the following provision:

“8. GENERAL :-

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F. Any change or correction in any clause of the agreement or any addition or deletion of route(s) or any correction change in the alignment of routes (s) shown in the Reciprocal Transport Agreement may be done by the mutual consent after discussion.”

9) Hence, clauses of the agreement or the prescribed routes are subject to correction, change, addition or deletion on mutual consent of the reciprocating States, as per the said provision in the agreement itself.

10) On such considerations, this Court is inclined to dispose of this writ petition with the following directions:

(i) let there be a joint meeting and discussion held between the competent officers of the respective State Transport Authorities of West Bengal and Jharkhand respectively, in terms of Clause 8(F) of the Reciprocal Transport Agreement dated 29th March, 2004, either physically or in virtual mode, to discuss and come to a mutually agreeable conclusion as to the divergence of their opinions regarding stoppage of the petitioner’s vehicles, at the bus stop namely, “Basukinath”;

(ii) the respective State Transport Authorities of West Bengal and Jharkhand shall come to a mutually consented decision in the said meeting over the issue as mentioned above and take all the necessary follow-up steps pursuant thereto

and immediately thereafter, if and as required.

(iii) the Secretary, STA Jharkhand, shall convene the meeting as above;

- 11) Till the time any decision is taken in this regard by the State Transport Authorities of West Bengal and Jharkhand on mutual consent, the petitioners shall be granted counter-signature as to their inter-State permit and time table as stated above, on provisional basis, by the STA Jharkhand, subject to either confirmation of the same, or change, modification, withdrawal of the same, in terms of the outcome of the joint meeting of the respective State authorities, as directed to be held earlier.
- 12) With the directions as above, the present writ petition is disposed of.
- 13) Since no affidavit-in-opposition has been called for in the case, the allegations in the writ petition are deemed to have been denied by the respondents.
- 14) Urgent certified website copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)