

01.05.2025  
Court No. 25  
S.G. (p.a)

**WPA 29736 of 2024**

**Sri Alope Tewari  
Vs.  
The State of West Bengal & Ors.**

Mr. Bhaskar Nandi  
**... for the Petitioner.**

Mr. Amal Kumar Sen, Id. AGP  
Ms. Ashima Das (Sil)  
**...for the State**

Mr. Sakti Pada Jana

**... for the private respondent**

1. The writ petitioner is the permit holder/operator on the inter-regional route from Garbeta to Haldia. A clash free time table as allowed to the writ petitioner by the respondent Authority is being followed by him, to ply his vehicle over the said route.
2. The respondent's permit is from Hijli Sharif to Bankura Ganga Nagar and back. The petitioner has alleged that the respondent has been allowed a time table which is in reverse direction that is, it starts from Bankura Ganga Nagar and terminates at Hijli Sharif and back. According to the petitioner, the same is in violation of the statutory provision and also the permit conditions where the route alignment has been specified. Hence, such timetable to the reverse direction of the route alignment as permitted to the said respondent, is not maintainable being de-hors the law. In this regard, the writ petitioner had raised his objection vide letter dated May 13, 2024. His objection was

considered and decided upon by the Secretary, Regional Transport Authority, Purba Medinipore, vide an order dated July 18, 2024. The writ petitioner is aggrieved and dissatisfied therewith and has filed the instant writ petition. He has sought for relief inter alia that the impugned order dated July 18, 2024 of the Secretary, Regional Transport Authority, Purba Medinipore, be set aside; that a fresh time table be issued to the respondent No.8 in due obedience with the statutory provision as well as the Conditions of permit granted to her.

**3.** The respondent/Secretary, RTA, Purba Medinipore, in his order dated July 18, 2024 has found as follows:

***“The departure time of both the vehicles at Ghatal Point is 9.00 am.***

***Regarding the running time of the vehicles the petitioner cannot submit any reference that all the vehicles of different routes having the same alignment are plying with the same running time in the alignment Ghatal to Mecheda Railway station.***

***Regarding the night halt of a vehicle, in question, undersigned expresses his observation that in case of all the permits issued by the Regional Transport Authority, Purba Medinipur, only a single route is mentioned in the permits for plying of the vehicles for either of the two directions of a route between any two points as they are same and identical in terms of route alignment. And in that case any of the vehicles in a route may have night halt at either of the two terminating points. It is also noted that being the authority of major portion of the route alignment, in both direction Regional Authority, Purba Medinipur, is the only permit issuing authority between the points.***

***In the case of issuance of the time table issued in respect of the vehicle bearing Registration Number WB29B0964, the time table is the part of the no objection issued by the Regional Transport Authority, Bankura, vide Memo Number 1228(7)/M.V., dated 05/08/2022. And the vehicle is plying following the same timetable from the very first day.***

***On considering the above facts and observations, the undersigned takes decision that***

*provisional time table will be issued to vehicle number WB29B0964 covered by permit number WB2023-SC-0200A with minor change in the existing time table for the purpose of observation to avoid the same time of departure at Ghatal point and for the purpose of observation. Undersigned orders to observe the revised time table till further order."*

4. Mr. Nandi, appearing for the writ petitioner has , however , submitted that the time table granted to the respondent No.8, showing start of the vehicle from a point, which is actually the terminating point of the respondent No.8 as per the permit conditions, therefore is in the reverse direction over the route alignment, as per her permit. According to him, a timetable cannot be granted on reverse direction in accordance with law. He submits that this has caused minimum difference in the running time of the vehicles of the petitioner and that respondent. Also, that timing of the buses of the petitioner and the respondent No.8 are thus being overlapped for the common portion of the route, which both of them travel on. Also that the respondent No.8 cannot be allowed to halt his bus at Bankura at night, as per law.

5. Two decisions of this Court the petitioner has relied on, which are as follows:

(i) ***Bimal Kumar Das vs. State of West Bengal & Ors.*** reported in ***AIR 2016 Calcutta 324.***

(ii) ***M/s. Taraknath Transport Society Vs. State of West Bengal & Ors. [MAT 590 of 2022].***

6. In the judgment of **Bimal Kumar Das (supra)** the Court has discussed the provisions under sections 2(38) and 72 of the Motor Vehicles Act, 1988 and Rules 118 and 133 of the West Bengal Motor Vehicles Rules 1989 to find as follows:

*“12. The submission made by the learned advocate for the petitioner that the route for which the petitioner has been granted such permit, i.e., from ‘Solepatta to Garia’ is not in accordance with the statutory definition of the expression, ‘route’ and such ‘route’ should also mean ‘Garia to Solepatta’, does not hold much water in view of the definition of the ‘route’, as elaborated hereinbefore. It may be further observed that if a person has been granted such permit to ply on a line of travel between terminus X and terminus Y, the origin of the line of travel will be terminus X and the destination will be terminus Y in terms of the statutory definition of the expression ‘route’. It cannot mean vice versa since such expression of a similar nature does not appear after the last word, ‘another’, under sub-section (38) of the section 2 of the Motor Vehicles Act, 1988.*

*13. The petitioner, in the facts of the instant case, has tried to make out a case for plying of his vehicle more commercially viable than what was proposed by the authorities in the provisional timetable attached to the stage carriage permit, which the petitioner had accepted without any demur or protest by signing on the same. It is also noticed that the petitioner applied for a stage carriage permit to operate on the route ‘Solepatta to Garia Station via Egra, Contai, Henria, Nandakumar, NH 41, Mecheda, NH 6, Santragachi, Howrah CDBT, Vidyasagar Setu, Rabindra Sadan, Tollygunj, N.S.C. Bose Road’ with his eyes and ears open. He was conscious of the fact that he was not applying for the route in reverse, i.e., Garia to Solepatta. Had he done so, his prayer for issuance of a revised timetable – in the manner as requested – ought to have been considered by the Secretary, State Transport Authority. However, there was no scope of the Secretary, State Transport Authority, to consider the petitioner’s prayer for issuance of a revised timetable in terms of his letter dated 22<sup>nd</sup> March, 2016, since the route consciously chosen by the petitioner was from ‘Solepatta to Garia’ and not vice versa.”*

**7.** The Court has applied similar rationale while deciding the case of ***M/s Taraknath Transport Society (supra)***.

**8.** Hence, in this regard the law is now well settled, in the manner as decided by the Court and mentioned above. In view of such settled law, the decision of the Secretary, RTA, Purba Medinipur appears to be not in conformity with the settled law as above. The said authority is required to revisit the issue and only in terms of the law settled in this regard.

**9.** For the reasons as above, the order of the Secretary, RTA, Purba Medinipur is liable to be set aside.

**10.** Hence, this writ petition is allowed with the following directions:

- (i) The impugned order of the Secretary, RTA, Purba Medinipur, dated July 18, 2024 is set aside;
- (ii) Let the said respondent reconsider the objection raised by the petitioner in the light of the law settled as discussed above and come to a decision in accordance with law. In case it finds the objections of the petitioner not to be maintainable after considering the same in the light of the decisions of the Court as mentioned above, it should pass a detailed reasoned order. However, before any decision, the said Authority shall grant opportunity of hearing to the writ petitioner, respondent

No.8 and also any other stake holder as it may deem fit and proper.

- (iii) The respondent/Secretary, RTA, Purba Medinipur should conclude the entire process as above, within a period of 4 weeks from the date of communication of copy of this order and communicate its decision to the petitioner within one week from its date.

**11.** WPA 29736 of 2024 is disposed of.

**12.** 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.

**13.** Urgent certified website copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Rai Chattopadhyay, J.)**