

Ct. No.4 D/L-2 27.03.2025
(Naba)

M.A.T. 2258 of 2024
With
CAN 1 of 2025
CAN 2 of 2025

Surojit Naskar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya,
Ms. Mousumi Ranjan Das

...for the Petitioners

Mr. Amal Kr. Sen, Id. AGP,
Ms. Ashima Das (Sil)

...for the State

1. Heard the learned counsel for the petitioners and the learned counsel for the State respondents.

Re: CAN 2 of 2025

2. The application for condonation of delay bearing CAN No. 2 of 2025 is taken up for hearing.
3. We find sufficient cause for condoning the delay of 59 days in filing the appeal.
4. The application for condonation of delay is thus disposed of. Since the learned counsel have advanced submissions on the merits of the matter, we have proceeded to consider the main appeal.

Re: M.A.T. 2258 of 2024

5. The petitioners were having a route permit to ply auto rickshaw from Anandapur to Kheyadaha via Uchhepota in South 24 Parganas bearing a Route Code No.230. This route permit was granted to

them in the year 2018. In 2023, route permits were granted afresh to others to ply the auto rickshaw from Meghnath Saha to Anandapur. The new route was numbered as Route Code No.209. The petitioners felt aggrieved by grant of such route permit to others as they were of the view that the same would hamper their business. The apprehension was based on the fact that the route was overlapping the route on which the petitioners were earlier plying their auto rickshaws.

6. It is under such circumstances that the petitioners approached this Court by filing Writ Petition bearing W.P.A. No. 24671 of 2023. The writ petition filed by the petitioners was disposed of on 28.11.2023. The petitioners prayed before the writ court that they would submit a comprehensive representation before the concerned authority ventilating their grievance and sought direction for consideration of the representation. The writ petition was accordingly disposed of by giving the petitioners liberty; and directing for consideration of the representation within a stipulated time after affording reasonable opportunity of hearing to all concerned.
7. The authorities thereafter have considered the representation filed by the petitioners and a

reasoned and speaking order has been passed by the Chairman, Regional Transport Authority on 12.03.2024 while considering the representation and hearing the new permit holders having permit for Route Code No.209, the authorities have also taken into consideration the inspection report submitted by the Assistant Regional Transport Officer, Alipore, South 24 Parganas. From the inspection report, the authority found that the petitioners were amongst the 27 (twenty seven) number of permit holders plying auto rickshaw earlier on Route Code No. 230 from Anandapur to Kheyadaha via Uchhepota. Since the permits were granted long back, the authorities were being repeatedly informed that the number of auto rickshaws plying on the route was now inadequate, since there had been substantial urbanisation and development in the area in the interregnum. This circumstance was giving rise to great inconvenience to the public.

8. Considering the aforesaid facts and for the sake of public convenience, having regard to road safety, and free flow of traffic, the authorities considered it appropriate to issue 62 (sixty two) fresh permits on Route Code No.209. Since the new route no.209 was also culminating at Anandapur which was an originating point of the earlier route permit

holders (petitioners), to avoid any clash and for the larger public convenience, the route permit for Route Code No. 209 was directed to start from Shiva Temple (Ardha Narishwar) in lieu of Anandapur. The route permit granted to the subsequent auto rickshaw pliers was, therefore, varied based on the representation filed by the petitioners.

9. The learned counsel for the petitioners, however, submits that the variation is not such as to give any relief to the petitioners as it is their business opportunity which has diminished by grant of these fresh 62 (sixty two) numbers of route permits for route no. 209 which to a great extent was overlapping the route no.230, earlier granted to the petitioners for plying auto rickshaw.
10. It is submitted by the learned counsel for the petitioners that the authorities should have granted permit on a different route to avoid overlapping.
11. We find no force in such submissions. The underlying consideration for grant of route permit is to meet the public convenience, giving due regard to the road safety and free flow of traffic in an area. The authorities have considered these aspects based on the reports submitted by the ARTO, Alipore, South 24 Parganas. The

consideration has been done after hearing all the parties concerned, which is not in dispute.

12. We also find that to accommodate inconvenience of the present petitioners the later route no. 209 has slightly been modified so as to ensure that it starts from Shiva Temple (Ardha Narishar) instead of Anandapur to give some relief to the present petitioners.
13. In view of such consideration, which in our opinion is in accordance with law, the same does not require any interference.
14. We find no infirmity in the order dated 30.08.2024 passed by the Hon'ble Single Judge in the writ proceedings dismissing the writ petition bearing WPA No. 14574 of 2024.
15. The present appeal stands dismissed.
16. CAN 1 of 2025 also stands disposed of accordingly.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)