

16.01.2025.
PB
Sl. No.15-17.
Ct. No.25.

WPA 99 of 2025
With
WPA 103 of 2025
With
WPA 104 of 2025

Mojam Ali Mondal
Vs.
The State of West Bengal & Ors.

Mr. Bhaskar Nandi.
.....for the petitioner.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu.
.....for the State.

Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas.
.....for the State.

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

The petitioner's grievance is with regard to the uncanny silence maintained by the Secretary, RTA, South 24 Parganas, as regards letting the petitioners be informed about the resolution of the Board meeting, held on July 26, 2024, thereby keeping the petitioner in dark as to the fate of their application seeking grant of permanent contract carriage permit.

The matter relates to the petitioner's prayer for grant of permanent contract carriage permit over the

route from “Sonarpur Railway Station to Kavi Nazrul Metro Station via Kamalgazi”. The meeting of the Board, RTA South 24 Parganas, was held and the petitioner was granted opportunity of hearing on July 26, 2024. But, since thereafter, there has been no communication of the resolution or decision of the Board to the writ petitioners.

Mr. Sen, learned advocate for the State has handed over to the Court a copy of the letter dated August 13, 2024, written by the Additional District Magistrate (General), South 24 Parganas, addressed to the Additional Secretary to the Government of West Bengal, Transport Department. The same is with respect to the subject matter:-

“Clarification of Clause No.5 of the Notification No.268-WT/3M-01/2010 Pt.I dated 29/01/2010 of Transport Department.”

However, there is no material to suggest that the same has been answered as yet, by the said addressee.

The issues involved are whether the embargo as imposed under ‘Clause-5’ of the notification No. 268-WT/3M-01/2010 Pt.I dated January 29, 2010, would be applicable in case of grant of permit to the writ petitioners, as prayed for. The said notification restricts grant of permit to the auto rickshaws, route of which would cover more than 30% of the existing bus routes in roads other than NH/SHs. However, in case of the petitioners, apparently, the proposed route

applied for, does not cover up to or more than 30% of the existing bus route.

Considering the facts and circumstances, the Court finds it proper to dispose of the present writ petition by directing the respondent/ Regional Transport Authority, South 24 Parganas, to immediately take a decision as regards the meeting held on July 26, 2024, if not has already been done.

Be it mentioned and directed that if the decision has not been taken as yet, the said Regional Transport Authority, South 24 Parganas, shall revisit the concerned issue, in another meeting to be convened hereinafter and decide thereupon after affording reasonable opportunity of hearing to the writ petitioner. In that case, it shall conclude the proceedings of the meeting to consider the issues afresh, within a period of four weeks from the date of communication of copy of this order and communicate its decision to the writ petitioner, within one week thereafter.

Be it also mentioned that the queries as raised, by dint of the letter dated August 13, 2024, should not come in the way of taking decision by the respondent/ Regional Transport Authority, South 24 Parganas, regarding grant of contract carriage permit to the writ petitioner.

The copy of the letter dated August 13, 2024, be kept with the record.

The writ petition is disposed of.

Since no affidavit has been called for, allegations made in the writ petition, shall be deemed to have not admitted by the respondents.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties, on compliance of all necessary formalities.

(Rai Chattopadhyay, J.)