

20.01.2026
Item No.17
Court No. 10
AGM

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction
Appellate Side

W.P.A. 338 of 2026

Faiyaz Alam & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee.
Sk. Samik Akhtar.

... For the petitioners.

Mr. Amal Kumar Sen. Ld. A.A.G.
Mr. Sabyasachi Mondal.

... For the State.

1. The applications dated 9.4.2025 have been filed by the petitioner before the concerned authority for plying their vehicles between Shalimar to Howrah Museum (Howrah New Complex).
2. Upon considering the representations of the petitioners herein, the respondent no. 5 held that for creation of new auto rickshaw route from Howrah Museum to Shalimar Railway Station or Howrah Maidan to Shalimar the same is in contravention to Notification No. 268/WT/3M-01/2010 Pt-1 dated 29.1.2020 dated 29.1.2010 as it has been revealed upon survey that both the routes are overlapping approximately 4 kms with the existing bus route.
3. The Notification dated 29.1.2020 in Clause 5 speaks of that “no new auto-rickshaw permit will be issued covering more than 30% of existing bus routes in roads other than NH/SHs”.
4. Learned Additional Advocate General fairly submits that the decision taken by the respondent no. 5 is on a wrong premises and a further field enquiry is

required to ascertain the percentage of overlapping with the existing bus route.

5. After careful consideration of the case, I am of the considered view that respondent no. 5 is directed to re-visit the issue and by taking the assistance of the Motor Vehicle Inspector to make a Field Enquiry in presence of all interested persons in order to ascertain whether the route in question covers more than 30% of the existing bus routes or not and shall pass a reasoned order in accordance with law upon affording opportunity of hearing to the petitioner and other interested persons to arrive at a logical conclusion.
6. The entire exercise shall be completed peremptorily within a period of eight weeks from the date of communication of this order and to communicate such decision accordingly to all the petitioners and other interested persons, if any.
7. The writ petition stands disposed of.
8. Urgent photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

[Smita Das De, J]

