

26.2.2026
ct no. 10
Sl. 11
AGM

WPA 523 of 2026

Beleghata-Sealdah Auto Rickshaw Operators Union
-Versus-
State of West Bengal & Ors.

Mr. Rajnil Mukherjee.
Mr. Ashim Kumar Chatterjee.
Ms. Satabdi Dey.

... For the petitioner.

Mr. Pantu Deb Roy. Ld. A.G.P.
Mr. Pannalal Bandopadhyay.

... For the State.

1. The petitioners in the present writ petitions are the auto owners and auto drivers running their vehicles in route No. 73 for the route Beleghata to Sealdah.
2. The petitioner prays inter alia, for the following reliefs:

“a. A writ in the nature of mandamus directing their men and/or agents being the respondent Nos. 2 and 3 to comply with the notification dated 18.12.2018 published by the government of West Bengal, Transport Department as annexed to the writ petition being annexure P-3.

b. A writ in the nature of Mandamus commanding mandamus directing their men and/or agents to put a complete stoppage on the private respondent and/or ban for being vehicle number WB04D9597 (old) and WB01BC9134 (new), plying the vehicle in route number 73.

c. A writ in the nature of Mandamus commanding the respondents their men, agents, assigns and subordinates to file a report as to why the transport department is trying to give illegal permits to new vehicle in the said concerned route home into a private sectors and as to why it is

necessary to appoint agencies to look after such homes;

d. A writ in the nature of Mandamus commanding the respondents their men, agents, assigns and subordinates to give a proper reasoning on such permit;

e. Any other appropriate writ or writs order or orders and/or direction or directions;

f. Rule NISI in terms of the prayers (a), (b) and (c) above;

g. An interim order of stay by restraining the respondents from giving any effect or further effect to the order or enquiry till the disposal of this application;

h. Ad-interim order in terms of the prayers made above;

i. Costs and incidental to this application;

j. Such order and/or other orders, direction and/or directions to this Hon'ble Court may deem fit and proper."

3. Main grievance of the petitioner is with regard to the selection process in connection to the post to which the petitioner has applied for.
4. It is submitted that the vehicles plying in the said route is over and above the fleet strength of 340 which runs contrary to the Notification dated 18.12.2018.
5. As per Right to Information Act it is revealed that the Transport Department are issuing permits illegally to the new autos for the said route and as such no action has yet been taken against the wrongdoers by the authority concerned.
6. A representation dated 21.6.2025 has been made before the authority concerned but the same remains pending for consideration.
7. The State respondents takes a preliminary point with regard to the locus standi of the petitioner to

maintain the present writ petition since the petitioner is a collective body (a Auto Rickshaw Operator Union) and has failed to establish any direct legal injury to itself.

8. It is a settled principle of law that a representative body cannot challenge an order, an action that affects the individual license or regional rights of its members, as the Union is not a person aggrieved in the eye of law. The petition deserves to be dismissed in the preliminary ground alone.
9. Pursuant to the earlier direction, a report has been filed by the State respondent and the same is kept with the records.
10. It is further submitted by the State that the fleet strength for the said route is 340 as notified in the notification issued by the Joint Secretary (Law), Transport Department, Government of West Bengal. Presently, 320 auto rickshaws are plying on the said route out of which only one vehicle is operating under a permit granted by virtue of an order passed by this Court.
11. After careful consideration of the case on the basis of the report and the materials available on record, I am of the considered view that prima facie, there is no flagrant violation of the conditions embodied in the notification dated 21.1. 2023 since number of the auto rickshaws plying on the said route falls well within the permissible limit. The

allegations with regard to vehicles plying on the said route over and above the fleet strength of 340 auto rickshaw 'falls flat'.

12. In view of the above, the writ petition is dismissed.

13. Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Smita Das De, J.)