

26.02.2026

**Ct. no.10
Sl. No.20
b.r.**

WPA 1657 of 2026

Sribas Mandal & Ors.

Vs.

The State of West Bengal & Ors.

**Mr. N.I. Khan
Mr. Amlan Kumar Mukherjee
Mr. Dilip Kr. Mondal
.... For the petitioners**

**Mr. Amal Kumar Sen, Ld. AAG
Mr. Sabyasachi Mondal
..... for the State.**

1. Affidavit of service filed in Court, is taken on record.
2. The petitioners are the intending operators who applied for grant of new permit for the route Gosaba Ferry Ghat to Pakhiralay Tourist Destination.
3. The respondent authorities refused to receive the application from the petitioner for grant of contract carriage permit. The petitioners moved a writ petition before this Court being WPA 12943 of 2025. The Co-ordinate Bench by its order dated 19.06.2025 directed the respondent authority to accept the application forthwith from the petitioners for the grant of permit and consider the same in accordance with law. In pursuance of the

order dated 19.06.2025, the respondent authority in a Board meeting dated 24.09.2025 rejected the application merely on the ground of congestion by relying upon a notification No. 268-WT/3M-01/2010PT-1 dated 29.01.2010.

4. The petitioner submits that the decision rejecting the application on the ground of congestion is not sustainable in law. Keeping in view for all practical purposes, the demand of the public at large. The route in question is absolutely a free route and till date no notification has been issued by the department. As such there is no legal impediment to the grant of a permit on the said route.

5. Learned counsel for the petitioners relies upon a judgement passed by Hon'ble Justice Dipankar Dutta, as his Lordship then was, **reported in 2014 SCC online Cal. 7260**, wherein Paragraphs- 50 and 51, which are reproduced below:-

“ 50. Insofar as the petitioners represented by Mr. Sarkar are concerned, they had all applied for intra-regional permits for operating auto rickshaws before the RTA, Nadia. All such applications have been rejected on diverse dates, but with identical resolutions. The identical resolution of the

RTA, Nadia adopted while rejecting the applications reads as follows:-

“ Heard the applicant. After taken into consideration the road condition, congestion of road traffic and safety and security of the passengers travelling in such 3-wheeled Auto-Rickshaw within the ambit and scope of the Motor Vehicles Act and rules framed thereunder, his application is not granted.

51. I have no doubt in my mind that rejection of the petitioners' applications for permits by the RTA, Nadia is arbitrary and that the impugned resolutions are indefensible. Guideline (6) does not restrict grant of permit to operate an auto-rickshaw. What is says is that while granting an auto-rickshaw permit, the permit issuing authority is to consider the road condition, congestion of road traffic, and safety and security of the passengers within the ambit and scope of the MV Act and the rules framed thereunder. There is no discussion in the impugned resolutions with regard to the factors mentioned in guideline (6). While dealing with the applications for permits of each of the petitioners, it was imperative for the RTA, Nadia to indicate with some degree of clarity the impediments standing in the way of grant of permits. The RTA, Nadia could not have simply referred to the factors mentioned in guideline (6) and without anything more, reject an application for permit. Application of mind was necessary,

which is conspicuously absent. The impugned resolutions of the RTA, Nadia thus stand set aside.”

6. The State respondents submits that since there is a serious congestion in the route in question, the application has been turned down by the authority concerned.

7. The decision taken by the respondent no.4 is not tenable in the eye of law as the same suffers from gross legal infirmity. A further introspection by the authority concerned is required to arrive at a logical and reasoned conclusion. The issue of the public convenience and the demand cannot be ruled out merely by rejecting the application for the grant of a new permit.

8. In view of the above, the decision taken by the respondent no.4 is hereby quashed and set aside. I direct the respondent no.2 to revisit the issue by considering the practical aspect of the demand of the public at large. The decision shall be taken within a period of 8 weeks peremptorily by passing a reasoned order upon affording an opportunity of hearing to the petitioners and the other stake holders and communicate such decision within a week thereafter.

9. However, it is made clear that at the time of reviewing the issue involved herein, the concerned authority shall adopt a pragmatic view to effectively strike a balance by bridging the gap between public demand and the infrastructural facility.

10. In the light of the judgment reported in 2014 SCC OnLine Cal 2260 the impugned resolution passed by the respondent no.2 is hereby set aside and quashed.

11. With the above observations and directions, the writ petition, **WPA 1657 of 2026** stands ***disposed of*** without going into the merits of the case.

12. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)