

19.3.2026
Item No.18
Court No. 10
AGM

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction
Appellate Side

W.P.A. 3469 of 2026

Naresh Kumar Shaw & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Sankar Nath Mukherjee.
Sk. Samim Akhtar.

... For the petitioners.

Mr. Vivekananda Bose.
Mr. Arkadipta Sengupta.

... For the State.

1. The application dated 09.04.2025 have been filed by the petitioners before the concerned authority for plying their vehicles between Shalimar Station and Howrah Station or Howrah Station New Complex or Howrah Rail Museum Gallery.
2. Upon considering the representations of the petitioners herein, the respondent no. 5 rejected on the ground, which is reproduced below :

“ RTA finds that the applicants applied for creation of new Autho-rickshaw routes namely Howrah Museum to Shalimar Railway Station or Howrah Maidan to Shalimar Rly Stn. Both the routes were surveyed by MVI(NT) and it revealed that (I) Howrah Museum to Shalimar Railway Station-total length of route is 5.5 km and approximately 4 km is overlapping with the existing bus route. In case of another proposal for route (ii) Shalimar Railway Station to Howrah Maidan-the total length of route is 4.7 km and almost the entire stretch is overlapping with the existing bus route, which are contravention of Notification No. 268/WT/3M-01/2010 Pt-2 dated 29.1.2010. Hence, RTA discussed and rejected the prayer.”

3. The Notification dated 29.1.2010 in Clause 5 contemplates 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 advocate for the State raises an objection to the locus standi of the petitioners, being an intending operator to file an application for creation and/or formulation of a new route.
5. In this context, the learned counsel appearing for the petitioners relies upon Section 68 (3) (ca) of the Motor Vehicles Act, 1988 and submits that the Government can formulate rules exclusively for plying stage carriage and not contract carriages. The Regional Transport Authority is the competent authority to create the routes for plying contract carriages.
6. After careful consideration of the case, I am of the considered view that respondent no. 5 is directed to re-visit the issue 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.
7. 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.
8. The writ petition stands disposed of without going into the merits of the cases.

9. 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]