

31-03-2026
ct no. 10
Sl. 16
RP

WPA 4779 of 2026

Somen Chakraborty and Ors.
-Versus-
State of West Bengal & Ors.

Mr. Debabrata Saha Roy,
Mr. N.I. Khan,
Mr. Amlan Kr.Mukherjee,
Mr. Dilip Kr. Mandal,
Mr. Chiranjib Das

...for the petitioner

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay

...for the State

1. Affidavit-of-service be kept on record.
2. The report filed by the State be kept on record.
3. The petitioner in the instant case is the holder of a stage carriage permit for route no. 71 (Howrah Maidan to Mahishbathan) which has been intitially granted by the transport department prior to May, 2003 and has been renewed from time to time by the concerned authority.
4. The main grievance of the petitioner is that, although the route is from Howrah Maidan to Mahishbathan via Howrah Station Burrabazar Pagayapatti C R Avenue Amharst, Street Sealdah Science College, Maniktala Post Office, North Rd ,Kabarsthan, Hudco Phari ,Tank no. 4, Tank no. 5 Purta Bhawan Karunamoyee, AJ Block, Nicco Park, the authorities have permitted them to operate 50% of the total vehicle strength from

Howrah Maidan to Rajabazar on rotation basis and the rest 50% to ply in the route from Howrah Maidan to Mahisbathan.

5. It is submitted that consequent upon the introduction of the metro railway project along the route from Howrah Maidan to Mahisbathan has become substantially non-viable owing to a significant diminution in passengers traffic thereby occasioning serious operational impediments and resultant financial distress to the vehicle operators.
6. Taking undue advantage of the prevailing situation, the unlicensed e-rickshaw and the auto-rickshaw are operating on the said route in contravention of the applicable statutory provisions.
7. The petitioner made a representation on 20.01.2026 before the authority concerned, which is presently pending for consideration.
8. The State respondent has raised an objection to the petitioner's proposal for modification of route no. 71, seeking its curtailment from Howrah Maidan to Rajabazar with the elimination of the 50% route from Howrah Maidan to Mahisbathan, on the ground that there exists no designated parking facilities for the buses and that such modification would exacerbate the prevailing

situation and accordingly, the same has not been permitted.

9. The learned Counsel for the petitioner submits that the writ petition has been filed to convert route no. 71 from Howrah Maidan to Rajabazar eliminating and deleting the 50% route from Howrah Maidan to Mahisbathan which will enable them to operate their vehicle efficiently and they will be able to provide better services to commuters.
10. It is submitted by the State that upon field enquiry conducted by the competent authority regarding the adequacy of parking facilities at the terminal point of Rajabazar Science College, it has been reported that sufficient parking space on the carriageway (i.e. from Rajabazar Science College or at near the vicinity) could not be identified.
11. In conspectus of the above, I find that the petitioner has succeeded in establishing a *prima facie* case, and accordingly an interference by this Court at this stage is warranted.
12. Having heard the parties and upon perusing the records, I am of the considered view that, in the interest of justice, a plausible solution ought to be devised to ameliorate the imbroglio occasioned by the introduction of the metro railway project.

13. I hereby direct the respondent no. 3 to consider and dispose of the representation dated 20.01.2026 within a period of 3 months and pass a reasoned order in accordance with law.
14. Upon affording an opportunity of hearing to the petitioners and the other stake holder if any and communicate such decision within a week thereafter.
15. Since, the parking spaces have not been identified, the operators plying on route 71 are hereby permitted to operate their vehicles to and fro on a rotational basis until the situation returns to normal.
16. The writ petition being WPA 4779 of 2025 is disposed of without going into the merits of the case.
17. It is however, made clear that the introduction of the metro railway project has impacted the travel of passengers and owing to the scarcity of vehicles plying on the route in question, the commuters are facing considerable hardship. The status quo in respect of vehicular operations shall be maintained until the situations return to normal.

(Smita Das De, J.)