

24.02.2026
Item No.9
with 10
Court No.10
CHC

In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 15771 of 2025

Shri Ashim Bera
Vs.
The State of West Bengal & Ors.
with

WPA 15807 of 2025

Shri Malay Ghora
Vs.
The State of West Bengal & Ors.

Mr. Sanat Kr. Roy, Advocate
Mr. Baidurya Ghosal, Advocate
Mr. Atanu Basu, Advocate
...for the petitioner

Mr. Amal Kr. Sen, Ld. A.A.G
Mr. Murari Chakraborty, Advocate
....for the State in WPA 15771 of 2025

Mr. Amal Kr. Sen, Ld. A.A.G
Ms. Tapati Samanta, Advocate
....for the State in WPA 15807 of 2025

- 1.** Report filed by the State-respondents vide order dated 18.12.2025 be kept on record.
- 2.** Parties are represented through their respective learned counsel.
- 3.** Mr. Amal Kr. Sen, Ld. Additional Advocate General relies upon the opinion of the Chairman, Regional Transport Authority, Hooghly, which is reproduced below:-

“Secretary, RTA submitted the report in detailed. Considering the above facts and circumstances, it is submitted before kind honour of the Hon’ble High Court that due

to heavily congestion of the entire stretch of the proposed route, emergency services like Ambulance, Fire etc. may be hampered badly. It may also be presumed that Traffic problem, unhealthy competition and violation of law & order may also seriously be apprehended if new permit is issued at present.

Hence, no new application could be allowed, as there is a clear contravention of provision of clause (6) of Notification No. 268-WT/3M-01/2010 dated 29.01.2010 of Transport Department, Govt. of West Bengal regarding congestion of road traffic, safety and security of passengers travelling etc.”

- 4.** An enquiry has been caused by the Motor Vehicle Inspector, Serampore. On the basis of the Inquiry Report the Secretary RTA Hooghly has arrived at a conclusion by deciding not to entertain any new application. Since the same shall run contrary to the provision of Clause 6 of the Notification No. 268-WT/3M01/2010 dated 29.01.2010.
- 5.** The area in question has already been found to be congested due to plying of vehicles mainly, for transportation of different types of goods and raw materials since there are several Mills and Factory situated in and around the locality. Apart from that 50 Nos. of Auto Rickshaw are also operating in the proposed route. It is further indicated in the report that there are some schools adjacent to the proposed

route for which the roads remain congested during the school hours.

- 6.** The learned counsel appearing for the petitioner vehemently opposes the same and contends that the entire report is not in conformity with the clauses mentioned in the notification. The report frustrates the intention of the clause 5 and 6 of the said notification.
- 7.** The state respondent submits since the minibuses operators have not turned up on the day of hearing, the permits of the existing operators automatically stands cancelled.
- 8.** Having heard the parties on the basis of the records available, I direct the respondent No. 3 to review the issue of entertaining new applications for granting permits to the auto rickshaws since the Secretary, RTA Hooghly has already taken a stand to cancel the permit of the existing permit holders of those minibuses which are not plying in the area in question.
- 9.** In conspectus of the above as adumbrated herein, I direct the respondent No. 3 being the competent authority to take an independent plausible view by passing a reasoned order in accordance with law considering the Enquiry Report and the prevailing facts and circumstances of the case within a period of 12 weeks after giving an opportunity of hearing to the petitioners and other stakeholders if any, and

communicate such decisions preferably within a week thereafter.

10. However, it is made clear that the respondent no. 3 shall make further independent enquiry with the assistance of the Motor Vehicle Inspectors alongwith the RTA Hooghly, if required to take a decision and adopt a pragmatic view to strike a balance effectively bridging the gap between public demand and infrastructural facility.

11. The impugned decision taken by the Member, Regional Transport Authority, Hooghly, dated 29.04.2025 is quashed and set aside.

12. WPA 15771 of 2025 and WPA 15807 of 2025 are disposed of without going into the merits of the case.

(Smita Das De J.)