

10-02-2026
ct no. 10
Sl. 77
RP

WPA 19595 of 2024

Sk. Raidul Islam & ors.

-Versus-

State of West Bengal & Ors..

Mr. Sanat Kumar Roy,
Mr. Baidurya Ghosal,

...for the petitioner

Mr. Pantu Deb Roy,ld, AGP,
Mr. Pannalal Bandopadhyay

...for the State

1. Affidavit-in-reply be kept on record.
2. The petitioners in the instant case challenges inter alia, a resolution dated 14.06.2024 passed by the State Transport Authority, West Bengal. The same has been rejected by relying upon a judgment FMA 604 of 2004 of the Notification 3438 WT/3M-139/2004 an extract of the same is reproduced below “no new permit shall be granted in the route as would touch/originate/terminate in the Central Business District, viz, Esplanade and Band Stand in Kolkata, Howrah Station, and the approach area of Howrah Bridge (Rabindra Setu), till further orders.”
3. The learned Counsel appearing for the petitioner submits that the route mentioned in the permit originates from Balipanda to Kolkata Station via Pingla, Mundamari , Balichak Station, Debra NH6 Panskura ,

Mechogram, Kona More, KCBT At Santragachi, Belepole, Howrah LDBT, Foreshore Road, Vidyasagar Setu, Rabindra Sadan, Minto Park, AJC Bose Road, Moulali, Sealdah, Shyambazar, RG Kar Hospital.

4. In pursuance of an instruction received from the petitioner, the Learned counsel submits that the petitioner has already taken a decision for not plying his vehicle by touching Howrah LDBT as indicated in the existing route alignment since the said route approaches the Howrah bridge.
5. The Learned counsel appearing for the State submits that as per the instruction received from the Department the route touching Foreshore Road has to be deleted from the route alignment as the said route is highly congested area and approaches the howrah bridge.
6. In conspectus of the above, I find that a proper inspection of the route in question is required in order to arrive at a logical conclusion, if permissible by diverting to an alternative route without touching the approach areas of Howrah bridge.
7. Having heard the parties I am of the considered view that the order of rejection for

grant of new permit vide Order dated 14.06.2024 is arbitrary, misconceived and has been passed without proper application of mind. Thus the same is quashed and set aside.

8. I direct the respondent No. 2 to revisit the issue within a period of 8 weeks from the date of receipt of the said feasibility report to arrive at logical conclusion. The respondent no. 2 shall pass a reasoned order in accordance with law on the basis of the report upon affording opportunity of hearing to the petitioner and other interested persons if any, the said decision shall be communicated within a week thereafter.
9. It is made clear, that prior to the decision taken by the authority, the motor vehicle inspector shall make a route inspection and file a feasibility report before the authority concerned after ascertaining the viability of incorporating alternative route in the existing route without disturbing the harmony of the existing route.
10. The writ petition is disposed of without taking an exception to the merit of the case.

(Smita Das De, J.)