

24.03.2026

Ct. no.10

Sl.Nos. 8 to 18

b.r.

WPA 19416 of 2025

Bablu Kole @ Koley

-vs-

The State of West Bengal & Ors.

With

WPA 19427 of 2025

Bapin Malik

-vs-

The State of West Bengal & Ors.

With

WPA 21545 of 2025

Amar Chandra Malik

-vs-

The State of West Bengal & Ors.

With

WPA 21546 of 2025

Sourav Das

-vs-

The State of West Bengal & Ors.

With

WPA 21547 of 2025

Madan Mohan Daloi

-vs-

The State of West Bengal & Ors.

With

WPA 21548 of 2025

Shankar Maity

-vs-

The State of West Bengal & Ors.

With

WPA 21549 of 2025

Sekh Nasim Uddin

-vs-

The State of West Bengal & Ors.

With

WPA 21631 of 2025

Amit Kole @ Koley

-vs-

The State of West Bengal & Ors.

With

WPA 21633 of 2025

Ranjit Bag

-vs-

The State of West Bengal & Ors.

With

WPA 21678 of 2025

Aurojit Malik

-vs-

The State of West Bengal & Ors.
With
WPA 21542 of 2025
Faijuddin Khan
-vs-
The State of West Bengal & Ors.
with

Mr. N.I. Khan
Ms. Lipika Das
Mr. Dipankar Rai
Mr. Chiranjib Das

.... For the petitioner in all the writ petitions.

Mr. Amal Kumar Sen, Ld. AAG
Mr. Arkadipta Sengupta
 ...for the State in WPA 19416 of 2025.

Mr. Pantu Deb Roy, Ld. AGP
Mr. Jaladhi Das
 ...for the State in WPA 19427 of 2025.

Mr. Kamal Kumar Chattopadhyay
 ...for the State in WPA 21545 of 2025.

Ms. Jyotsna Roy Mukherjee
 ...for the State in WPA 19546 of 2025.

Mr. M.P. Chakraborty
Mr. Masud Karim
 ...for the State in WPA 19547 of 2025.

Mr. Pantu Deb Roy, Ld. AGP
Mr. Jaladhi Das
 ...for the State in WPA 19548 of 2025.

Mr. Sadhan Kumar Halder
Mr. Hare Krishna Halder
 ...for the State in WPA 19549 of 2025.

Mr. Amal Kumar Sen, Ld. AAG
Mr. Ratul Biswas
for the State in WPA 21613 of 2025.
Mr. Jayanta Narayan Mahanty
Ms. Lipika Chatterjee
 ...for the State in WPA 21633 of 2025.

Mr. Manoj Kumar Mondal
 ...for the State in WPA 21678 of 2025.

- 1.** Heard learned counsels appearing for the respective parties at length.
- 2.** The petitioners in this batch of writ petitions, challenges the impugned order dated 29.04.2025 issued by the Chairman, Regional Transport Authority, Hooghly as being contrary to the notification dated 29.01.2010.
- 3.** The petitioners in the instant case are the contract carriage permit holders issued by the concerned Regional Transport Authority Hooghly for the route Code no. 448 AUTO from Anandanagar Health Center to Kamarkundu Station via Nanda, Nasibpur route length 8 KM.
- 4.** Applications have been made on 18.06.2024 for inclusion of Singur Hospital and Singur Natun Bazar in the said route permit from Anandanagar Health Center to Kamarkundu Station via Nanda, Nasibpur thereafter Singur Rural Hospital, Singur Natun Bazar finally Kamarkundu which falls within the permissible limit not exceeding the length of 24 KM as mandated under Section 80 Sub-Section 3(i) of the Motor Vehicles Act, 1988, however the applications remain pending for consideration.
- 5.** The petitioner approached this court by filing Writ Petition wherein the Coordinate Bench of

this Court vide Order dated 12.03.2025 has been pleased to dispose of by directing inter alia, the authority concerned to consider the representation by passing a reasoned order.

- 6.** By virtue of the order dated 12.03.2025 the respondent No. 2 considered the representation and passed an order on 29.04.2025 rejecting the application of the petitioner on the sole ground for contravening clause 6 of the notification dated 29.1.2010 issued by the Transport Department, Govt. of West Bengal which is the subject matter of challenge before this Court.
- 7.** The learned counsel appearing for the petitioner submits that the concerned authorities have rejected the application arbitrarily on a different ground without considering the feasibility and the viability of inclusion of the two points namely Singur Hospital and Singur Natun Bazar which falls within the route alignment as mentioned in the existing permit.
- 8.** The State respondents vehemently oppose the same and submit that including Singur Hospital and Singur Natun Bazar would give rise to a new route, resulting to congestion.
- 9.** Learned counsel for the State files a report which is reproduced below:

“as per joint enquiry report and police authority along with the Motor Vehicle Inspector that distance of the route is 13.4 k.m. approx and parking place is not available at Kamarkundu Railway Station. At present autos are parked at the Railway Land Singur Rural Hospital to Hotel Dhar is very congested area. Inclusion of the said via points may not be allowed as it will increase congestion.”

10. Learned counsel for the petitioner relies upon a judgement passed by the Hon’ble Justice Dipankar Dutta, as His Lordship then was reported in 2014(3) CHN (CAL) 22 7 by drawing the attention of this Court to Paragraphs, 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 autyos rickshaws before the RTA, Nadia. All such applications have been rejected on diverse dates, but with identical resolutions. The identical resolutions 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 it 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, the 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.”

11. In the conspectus of the above, as adumbrated

herein, I am of the view that an arbitrary rejection of a permit application for route modification, without considering the feasibility when the points fall within the existing permit alignment, is in violation of the natural justice and fair procedure.

12. Having heard the parties and upon perusing the

records made available I am of the considered view that respondent no. 2 has arrived at a finding which is perverse in nature, without considering the prayer of the petitioner for inclusion of two points namely Singur Hospital and Singur Natun Bazar in the existing permit in the context of the feasibility of the route alignment. Thus, the Order dated 29.04.2025 stands quashed and set aside.

13. I direct the respondent No. 2 to reconsider the

matter with the assistance of the Motor Vehicle Inspector in order to arrive at a logical conclusion as to whether the inclusion of the two points namely Singur Hospital and Singur Natun Bazar falls within the route specified in the

original permit. If the said two points fall within the said route, the respondent authority shall duly consider the same and pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner and all other stakeholders within a week thereafter and communicate such order within a week thereafter.

14. With the above observations and directions, **this bunch of writ petitions is disposed of** without going into the merits of the case.

(Smita Das De, J.)