

10-02-2026
ct no. 10
Sl. 7
RP

WPA 21937 of 2025
Goutam Sarkar & ors.
-Versus-

State of West Bengal & Ors..

Mr. Pintu Karar,
Mr. Sabab Uddin Laskar,
Ms. Meghna Chowdhury

...for the petitioner

Mr. Amal Sen Ld. AAG,
Mr. Vivekananda Bose, Ld JSC,
Mr. Tirthankarn Dey.

...for the State

1. Affidavit-in-service filed by the petitioner be kept on record.
2. The petitioners are the owners of auto rickshaws operating from Behala Police Station to Zinjira Bazar via Parnasree, Rabindranagar as per the route mentioned in the permit. Subsequently, the petitioners diverted the route and commenced to ply unauthorizedly under a self-created route from Behala Police Station to KMC Cultural Math covering a length of 2.5 kilometers which does not form a part of the approved route.
3. As per the earlier order dated 13.01.2026 Mr. Amal Sen Ld. AAG, learned Counsel appearing for the State files a report affirmed on 10th February, 2026. The same is kept on record.

4. Upon bare perusal of the report, it appears that the petitioners being the vehicle owners have been unauthorizedly operating their vehicles in a self-created route which is in flagrant violation of the permit conditions.

5. The petitioner submits that already representation has been made before the Regional Transport Officer Behala Unit requesting inter alia for issuance of the permit for auto-rickshaw operating on Behala Police Station to Zinjira Bazar via Parnashree, Rabindranagar, extended up to Cultural KMC Math but the same remains pending for consideration.

6. In this context, Mr. Amal Sen Ld. AAG, and Mr. Vivekananda Bose, Ld JSC appearing for the State submits on the basis of the report that till date no representations have been received and kept on record for consideration.

7. The State respondent relies upon Paragraph 6 and 9 to demonstrate that the Regional Transport Authority 24-Parganas, South is the competent authority to decide with regard to the application for route diversion in question.

8. After careful consideration of the case, I direct the writ petitioners to make a fresh application under Section 80 of Sub-section 3 of the Motor Vehicles Act for the diversion of the route in question before the Regional Transport Authority,

24-Parganas, South within a period of 2 weeks being the competent authority to decide the same.

9. After receiving the same the authority concerned shall dispose of the representation by passing a reasoned order within 6 weeks in accordance with law upon affording opportunity of hearing to the petitioners and other interested persons if any, communicate such decision within a week thereafter.

10. In the mean time the petitioners are restrained from plying in the self-created route till the decision is taken by the authority concerned. The petitioners are at liberty to ply their vehicles as per the route mentioned in the permit.

11. The writ petition being WPA 21937 of 2025 is disposed of without taking any exception to the merits of the case.

12. The report in terms of order dated 13.02.2026 be kept on record.

(Smita Das De, J.)